

CONGRESSIONAL RECORD:

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CONTAINING

THE PROCEEDINGS AND DEBATES

OF THE

FIFTY-FIRST CONGRESS, FIRST SESSION.

ALSO

SPECIAL SESSION OF THE SENATE.

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CONGRESSIONAL RECORD

FOR THE WEEK ENDING

DECEMBER 1, 1901

IN SENATE



OFFICE OF THE CLERK

WASHINGTON

VOLUME XXI, PART XI.

CONGRESSIONAL RECORD AND APPENDIX,

FIFTY-FIRST CONGRESS, FIRST SESSION.

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preme Court (whether right or wrong it is not for me to say) have held that no action of ejectment could be maintained upon a title in California, no matter how good it was. The best title that that treaty describes will not sustain an action of ejectment or an action of trespass in favor of the owner of the land until the Government of the United States has given its sanction to that grant in California.

Mr. REAGAN. If the Senator will permit me, the Senator from Nevada a little while ago made the explanation that in that very case the courts had recognized the hardship which might arise under it, but declared that they were bound by the provision of the statute, whatever the provisions of the treaty might be.

Mr. MORGAN. That is to say, I suppose, that they were bound to consider that Congress in passing that statute had repealed the treaty. Now, Congress can not do that as to a treaty which gives vested rights. We all know that. It can repeal an executory treaty, one moving along with current events, but it can not repeal a treaty so as to take from a citizen vested rights under the treaty. I think every one knows that; and yet Congress has done it, according to the interpretation that is given here to the Dominguez case, in cases where a perfect grant had been made by Mexico, a perfect title conveyed to a citizen of California under the laws of Mexico. Congress by passing an act requiring the assent of the Government of the United States, has deprived that person with that perfect title of his right to his property, so that he can not bring an action of ejectment or trespass upon it until he comes to Congress or to some tribunal of the United States Government and gets a confirmation.

Mr. RANSOM. Will the Senator from Alabama allow me to interrupt him on that matter?

Mr. MORGAN. I think I had better yield the floor and let other Senators discuss this question, because it seems I am only provocative of disputation instead of giving any light upon it.

Mr. RANSOM. I should be sorry to appear in that character.

Mr. MORGAN. I will yield to the Senator.

Mr. RANSOM. Having recently read the very famous case of the Mariposa grant, which I have just sent for to refer my friend from Alabama to, I will state that the Supreme Court held that if Congress, in passing that commission bill in 1851, in any way contravened the treaty of Guadalupe Hidalgo, that was not a question between Congress and a co-ordinate branch of the Government, the Supreme Court, but it would be a question between the United States and Mexico, and they would consider it; that the Supreme Court, being part of this Government, could not oppose the action of Congress in reference to that matter. I have just sent for the report and will read it to the Senator when it comes.

Mr. MORGAN. I know what it says exactly. I am not in default about that in the slightest degree. But, after all, it is bound to be held by Congress that until a grant in California is confirmed by statute it is no grant at all to maintain an action of ejectment upon.

Mr. RANSOM. The Supreme Court expressly says that but for the act creating the commission, declaring that no title could be good and effective until it went before that commission, it would be the duty of the court to consider every complete or perfected title in California, as was done in Louisiana and Missouri and Florida.

Mr. MORGAN. There is no question about that. It would be the duty of the court, but for that, to consider every case. At the same time there stands that law, and it implies necessarily that the Government of the United States has jurisdiction and power enough over a title acquired under the Mexican treaty to defeat a good and valid title under that treaty unless it gets the sanction of Congress or some tribunal of the United States. That is settled. No matter how they arrived at their decision, that is concluded by the case of Dominguez.

Now, what are we trying to do here? We are trying some new legislative invention for the purpose of killing fraud in these land grants. Instead of leaving this question of fraud where every question of fraud about titles ought to go, to the judiciary, we are trying to make a legislative question of it here in Congress and to settle it by law. We can not do it. We are doing extreme injustice in the effort to do it. How easy it is to leave every one of these grants, no matter whether perfect or imperfect, to the adjudication of a court. Can we not trust our tribunals to do justice? The courts could turn around upon us and say, "You have confirmed eight or ten cases from California, and not less than four of them are arrant and flagrant frauds, and the world knows it;" and that comes out after the confirmation. There the fact stands. We are not as good judges in cases of fraud as any legal tribunal composed of ordinarily honest men that we can select in the United States, who have been sworn and put upon their oaths and their honor.

My judgment is, Mr. President, that the only thing we can do here in order to secure justice to everybody is to open the doors of this jurisdiction to any man's complaint who wants to go there. Put a bar or statute of limitation in and say to him, "If you do not come in a certain time you must lose your property; if you do not come in a certain time and present your claim you shall be considered to have abandoned it in favor of all these settlers who are there."

There is a class of people in that country for whom I have a great deal more sympathy than I have for the large holders of these claims; in fact, I have no sympathy for them at all. But the people who have

gone there and been living there, some for twenty-five years, some for forty, some for fifty, some for one hundred and fifty years, they and their ancestors before them, who have settled down and built up little villages and have little possessions upon these grants made by the Government of Mexico, are entitled to protection. To that class of people we ought to give protection. I am perfectly willing to vote for a bill here now that a five years' possession shall be considered as conclusive of title in respect to that class of people who are living in these villages and have these little holdings. I am perfectly willing to do that. I am willing to put it in the power of the courts to say that they shall not be ousted if they have been holding in good faith for twenty years or five years, any time that the Congress of the United States may see proper to prescribe. But those people are to be taken care of.

Every man who has a claim to one of these grants, I care not how big it is or how little it is, ought to have an equal right to come into the court and have his claim adjudicated, whether it is called a perfect title or whether it is called an imperfect title. I do not believe that there is a lawyer on this floor to-day who can sit down and describe upon paper what is a perfect title under Mexican law and what is an imperfect title, and state all the facts that are requisite to constitute a perfect title, and what are necessary to constitute an imperfect title or a mere equity. We do not do it in this bill. We leave that whole question in the air, undecided, unprovided for in the bill. Let the court decide it. Let the court say whether the title is a good one, and if it is give the man a decree for it. If it is a perfect equity or an equity that the court can enforce *pro tanto* or in full, let the court decide it and give a decree for it. If the party has neither a perfect legal title nor a perfect equitable title, turn him out of doors and conclude his title forever by that decree. Do not say to him, "I will dismiss your petition because on the face of it you have got a good title," at the same time deciding nothing in his favor that he can establish in any other court or against any person for any purpose whatever.

I can not go into this court of equity and file a bill against a claimant or a supposed claimant of a piece of property I may have in this city and affirm that I have got a perfectly good title and the other man has got no title, but that he is merely saying he has a title; that he is not insisting upon it at all, but is merely saying that I can not get a decree of affirmation of perfect title upon a bill like that. I must go into controversy with the real defendants. I must have a litigation. The issues must be made up; the evidence, if any, must be taken; the demurrer must be interposed, and whenever it turns out that I come into a court of equity with a title to a piece of property that is undisputed and indisputable I am to get nothing whatever decided in my favor.

That would not be any more than the mere presentation of a petition to Congress if it comes in affirmation of a grant that a man should go into a court under this bill and say, "Here, I have got a clear title to this piece of property;" and the court is to say, "If you have, we have no jurisdiction of your case; you must go somewhere else to enforce it." That decides nothing, no more than if you were to reject a petition or put it in a pigeon-hole in the archives of the Senate. While we have the subject up, let us give that court jurisdiction to decide any sort of a case that may come up. I am willing to trust them, as much so as I am to trust myself or my brother Senators.

CIVIL SERVICE COMMISSION.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring). That of the Sixth Annual Report of the United States Civil Service Commission for the year ending June 30, 1889, there be printed 31,000 copies, of which 2,000 copies shall be for the use of the Senate, 4,000 for the House of Representatives, and 25,000 for the United States Civil Service Commission.

HOUSE BILL REFERRED.

The bill (H. R. 4411) for the allowance of certain claims for stores and supplies taken and used by the Army of the United States as reported by the Court of Claims under the provisions of the act of March 3, 1883, known as the Bowman act, was read twice by its title, and referred to the Committee on Claims.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 5939) for the relief of settlers on Northern Pacific Railroad indemnity lands.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1840) granting a pension to Sallie Douglass Hartranft.

DISTRICT PUBLIC PARK.

Mr. INGALLS. I rise to a privileged question. I present the report of the committee of conference on the bill (S. 4) authorizing the establishing of a public park in the District of Columbia.

The PRESIDING OFFICER (Mr. FAY in the chair). The conference report presented by the Senator from Kansas will be read.

Mr. INGALLS. I would suggest for the convenience of Senators that this report is somewhat long and will take perhaps ten or fifteen minutes to read. I will ask, if there be no objection, that it may be considered to-night.

Mr. COCKRELL. Let it be read.

The PRESIDING OFFICER. The report will be read.

The Secretary read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 4) authorizing the establishing of a public park in the District of Columbia, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House of Representatives, and agree to the same with an amendment in the nature of a substitute as follows:

"That a tract of land lying on both sides of Rock Creek beginning at Klinge Ford Bridge and running northwardly, following the course of said creek, of a width not less at any point than 600 feet nor more than 2,000 feet, including the bed of the creek, of which not less than 200 feet shall be on either side of said creek, south of Broad Branch road and Blagden Mill road, and of such greater width north of said roads as the commissioners designated in this act may select, shall be secured, as hereinafter set out, and be perpetually dedicated and set apart as a public park or pleasure ground for the benefit and enjoyment of the people of the United States, to be known by the name of Rock Creek Park: *Provided, however*, That the whole tract so to be selected and condemned under the provisions of this act shall not exceed 2,000 acres, nor the total cost thereof exceed the amount of money herein appropriated.

"Sec. 2. That the Chief of Engineers of the United States Army, the engineer commissioner of the District of Columbia, and three citizens to be appointed by the President, by and with the advice and consent of the Senate, be, and they are hereby, created a commission to select the land for said park, of the quantity and within the limits aforesaid, and to have the same surveyed by the assistant to the said engineer commissioner of the District of Columbia in charge of public highways, which said assistant shall also act as executive officer to the said commission.

"Sec. 3. That the said commission shall cause to be made an accurate map of said Rock Creek Park, showing the location, quantity, and character of each parcel of private property to be taken for such purpose, with the names of the respective owners inscribed thereon, which map shall be filed and recorded in the public records of the District of Columbia, and from and after the date of filing said map the several tracts and parcels of land embraced in said Rock Creek Park shall be held as condemned for public uses, and the title thereof vested in the United States, subject to the payment of just compensation, to be determined by said commission and approved by the President of the United States: *Provided*, That such compensation be accepted by the owner or owners of the several parcels of land.

"That if the said commission shall be unable by agreement with the respective owners to purchase all of the land so selected and condemned within thirty days after such condemnation, at the price approved by the President of the United States, it shall, at the expiration of such period of thirty days, make application to the supreme court of the District of Columbia, by petition, at a general or special term, for an assessment of the value of such land as it has been unable to purchase.

"Said petition shall contain a particular description of the property selected and condemned, with the name of the owner or owners thereof, if known, and their residences, as far as the same may be ascertained, together with a copy of the recorded map of the park; and the said court is hereby authorized and required, upon such application, without delay, to notify the owners and occupants of the land, if known, by personal service, and if unknown by service by publication, and to ascertain and assess the value of the land so selected and condemned by appointing three competent and disinterested commissioners to appraise the value or values thereof, and to return the appraisement to the court; and when the value or values of such land are thus ascertained, and the President of the United States shall decide the same to be reasonable, said value or values shall be paid to the owner or owners, and the United States shall be deemed to have a valid title to said land; and if in any case the owner or owners of any portion of said land shall refuse or neglect, after the appraisement of the cash value of said lands and improvements, to demand or receive the same from said court, upon depositing the appraised value in said court to the credit of such owner or owners, respectively, the fee-simple shall in like manner be vested in the United States.

"Sec. 4. That said court may direct the time and manner in which possession of the property condemned shall be taken or delivered, and may, if necessary, enforce any order or issue any process for giving possession.

"Sec. 5. That no delay in making an assessment of compensation or in taking possession shall be occasioned by any doubt which may arise as to the ownership of the property, or any part thereof, or as to the interests of the respective owners. In such cases the court shall require a deposit of the money allowed as compensation for the whole property or the part in dispute. In all cases as soon as the said commission shall have paid the compensation assessed, or secured its payment by a deposit of money under the order of the court, possession of the property may be taken. All proceedings hereunder shall be in the name of the United States of America and managed by the commission.

"Sec. 6. That the commission having ascertained the cost of the land, including expenses, shall assess such proportion of such cost and expenses upon the lands, lots, and blocks situated in the District of Columbia, specially benefited by reason of the location and improvement of said park, as nearly as may be, in proportion to the benefits resulting to such real estate.

"If said commission shall find that the real estate in said District directly benefited by reason of the location of the park is not benefited to the full extent of the estimated cost and expenses, then they shall assess each tract or parcel of land specially benefited to the extent of such benefits as they shall deem the said real estate specially benefited. The commission shall give at least ten days' notice, in one daily newspaper published in the city of Washington, of the time and place of their meeting for the purpose of making such assessment and may adjourn from time to time till the same be completed. In making the assessment the real estate benefited shall be assessed by the description as appears of record in the District on the day of the first meeting; but no error in description shall vitiate the assessment: *Provided*, That the premises are described with substantial accuracy. The commission shall estimate the value of the different parcels of real estate benefited as aforesaid and the amount assessed against each tract or parcel, and enter all in an assessment book. All persons interested may appear and be heard. When the assessment shall be completed it shall be signed by the commission or majority (which majority shall have power always to act) and be filed in the office of the clerk of the supreme court of the District of Columbia. The commission shall apply to the court for a confirmation of said assessment, giving at least ten days' notice of the time thereof by publication in one daily newspaper published in the city of Washington, which notice shall state in general terms the subject and the object of the application.

"The said court shall have power, after said notice shall have been duly given, to hear and determine all matters connected with said assessment, and may revise, correct, amend, and confirm said assessment, in whole or in part, or or-

der a new assessment, in whole or in part, with or without further notice or on such notice as it shall prescribe; but no order for a new assessment in part, or any partial adverse action, shall hinder or delay confirmation of the residue or collection of the assessment thereon. Confirmation of any part of the assessment shall make the same a lien on the real estate assessed.

"The assessment, when confirmed, shall be divided into four equal installments and may be paid by any party interested in full or in one, two, three, and four years, on or before which times all shall be payable, with 6 per cent. annual interest on all deferred payments. All payments shall be made to the Treasurer of the United States, who shall keep the account as a separate fund. The orders of the court shall be conclusive evidence of the regularity of all previous proceedings necessary to the validity thereof, and of all matters recited in said orders. The clerk of said court shall keep a record of all proceedings in regard to said assessment and confirmation. The commission shall furnish the said clerk with a duplicate of its assessment book, and in both shall be entered any change made or ordered by the court as to any real estate. Such book filed with the clerk, when completed and certified, shall be *prima facie* evidence of all facts recited therein. In case assessments are not paid as aforesaid the book of assessments, certified by the clerk of the court, shall be delivered to the officer charged by law with the duty of collecting delinquent taxes in the District of Columbia, who shall proceed to collect the same as delinquent real-estate taxes are collected. No sale for any installment of assessment shall discharge the real estate from any subsequent installment; and proceedings for subsequent installments shall be as if no default had been made in prior ones.

"All money so collected may be paid by the Treasurer, on the order of the commission, to any persons entitled thereto as compensation for land or services. Such order on the Treasury shall be signed by a majority of the commission and shall specify fully the purpose for which it is drawn. If the proceeds of assessment exceed the cost of the park the excess shall be used in its improvement, under the direction of the officers named in section 8, if such excess shall not exceed the amount of \$10,000. If it shall exceed that amount that part above \$10,000 shall be refunded ratably. Public officers performing any duty hereunder shall be allowed such fees and compensation as they would be entitled to in like cases of collecting taxes. The civilian members of the commission shall be allowed \$10 per day each for each day of actual service. Deeds made to purchasers at sales for delinquent assessments hereunder shall be *prima facie* evidence of the right of the purchaser, and any one claiming under him, that the real estate was subject to assessment and directly benefited, and that the assessment was regularly made, that the assessment was not paid, that due advertisement had been made, that the grantee in the deed was the purchaser or assignee of the purchaser, and that the sale was conducted legally.

"Any judgment for the sale of any real estate for unpaid assessments shall be conclusive evidence of its regularity and validity in all collateral proceedings except when the assessment was actually paid, and the judgment shall estop all persons from raising any objection thereto, or to any sale or deed based thereon which existed at the date of its rendition and could have been presented as a defense to the application for such judgment.

"To pay the expenses of inquiry, survey, assessment, cost of lands taken, and all other necessary expenses incidental thereto, the sum of \$1,200,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated: *Provided*, That one half of said sum of \$1,200,000, or so much thereof as may be expended, shall be reimbursed to the Treasury of the United States out of the revenues of the District of Columbia, in four equal annual installments, with interest at the rate of 3 per cent. per annum upon the deferred payments: *And provided further*, That one half of the sum which shall be annually appropriated and expended for the maintenance and improvement of said lands as a public park shall be charged against and paid out of the revenues of the District of Columbia, in the manner now provided by law in respect to other appropriations for the District of Columbia, and the other half shall be appropriated out of the Treasury of the United States.

"Sec. 7. That the public park authorized and established by this act shall be under the joint control of the commissioners of the District of Columbia and the Chief of Engineers of the United States Army, whose duty it shall be, as soon as practicable, to lay out and prepare roadways and bridle paths, to be used for driving and for horseback riding, respectively, and footways for pedestrians; and whose duty it shall also be to make and publish such regulations as they deem necessary or proper for the care and management of the same. Such regulations shall provide for the preservation from injury or spoliation of all timber, animals, or curiosities within said park, and their retention in their natural condition, as nearly as possible."

JOHN J. INGALLS,
ANTHONY HIGGINS,
ISHAM G. HARRIS,
Managers on the part of the Senate,
LOUIS E. ATKINSON,
JOHN J. HEMPHILL,
Managers on the part of the House.

The PRESIDING OFFICER. The question is on concurring in the report of the committee of conference.

Mr. GORMAN. Does the Senator from Kansas desire this report to be acted upon now or will he permit it to be printed and go over until to-morrow?

Mr. INGALLS. I should prefer, unless there is some reason to the contrary, that it may be now considered.

Mr. GORMAN. I trust the Senator from Kansas will favor us with an explanation of the report.

Mr. INGALLS. Its provisions are generally known, and they are simple. It provides for the acquisition of a tract of land not exceeding 2,000 acres in the valley of Rock Creek, at an expenditure of not to exceed \$1,200,000, one-half of which is to be paid by the Government of the United States and one-half from the revenues of the District, in four equal annual installments. It has been discussed in both Houses. The provisions have been generally disseminated through the press, and I believe that the measure, while not all that can be desired and in some respects not in accord with my own views, is generally approved. I think, unless the Senator from Maryland has some particular reason why further inquiry should be made, that I should prefer to have the report acted upon to-night.

Mr. GORMAN. I am very heartily in favor of the general proposition, but in the reading of the report one or two things struck me as rather novel to be introduced in the District in an enterprise of this sort. The first was the fact that you assess, by a commission to be named by the bill, the benefits that accrue to the adjoining property.

Mr. INGALLS. I did not like that. That was not in accord with my own views, but agreeing to it was the result of a compromise.

Mr. GORMAN. I am perfectly well aware that in quite a number of the large cities of the country such is the rule in the opening of streets and other improvements within the corporate limits, where the property advances in value rapidly and where the owner derives benefit from it, but, as I understand, this park is out some distance from the city of Washington, in the country.

Mr. INGALLS. In the valley of Rock Creek.

Mr. GORMAN. The valley of Rock Creek, and it extends to the Maryland line.

Mr. INGALLS. It will extend to the District line, if the money holds out.

Mr. GORMAN. Very good, but the whole of it is located outside of the limits of the city of Washington, and the surrounding country consists of farms and dwellings and property not of very great value to-day. It does seem to me that to choose a commission of our own selection for the purpose of ascertaining what benefit the park will be to the farming country that adjoins, without the right of appeal, as I understood from the reading, is a very extraordinary provision to introduce into a measure here. It is rather a hardship to these people, who practically have only farms and gardens.

The other provision to which I allude is that we are not only to have the engineer officer of the District of Columbia, who is an Army officer, but we add to the military government of this District, at least so far as this park is concerned, and intrust the expenditure of the money of the people of the District to another Army officer, the Chief of Engineers, a gentleman for whom I have the highest regard, and who, I believe from what I have seen of him, is probably the most capable officer I have ever known to occupy that position, and we all have perfect confidence in him. But to put the money, one-half of which is to come from the tax-payers of the District of Columbia, practically under two Army officers, appointed for life, with no control of it by the people of the District and no way to reach it, is going beyond anything heretofore contemplated. I had hoped we would in the course of time, and in a very short time, eliminate that military feature from the management of the affairs of the District of Columbia and put it all in the hands of civilians; but under the provisions of this report we are adding to and extending their power and authority.

As I caught the reading of the report, these are the two prominent features in it, and I suggest to the Senator from Kansas, as it is late in the evening, for it is now twenty minutes past 5 o'clock, that he let this matter go over until to-morrow morning and have the report printed, so that we may have an opportunity to look into it. Probably it is true that at this late day in the session, after the long conference which has been had, nothing better can be done; but with no disposition in the world, as the Senator understands perfectly well, to obstruct the adoption of the report, I think it is due that the Senator should permit us to look at it in print to-morrow morning.

Mr. HARRIS. I will say to the Senator from Maryland that the report is already printed. It was printed by order of the committee. By sending to the room of the District Committee I doubt not we can get any number of printed copies that Senators may desire to see.

Mr. GORMAN. I was not aware of that. I suggest to the Senator to let the report go over until to-morrow morning, so that we may have an opportunity to examine it.

Mr. INGALLS. The request of the Senator from Maryland is reasonable, and if he desires to familiarize himself further with the provisions of the report I can not object. I can only add, however, that the report is in many particulars more obnoxious to me than it can be to the Senator from Maryland. I believe that the provision that imposes one-half of the cost of the improvement upon the people of this District is wrong in principle and pernicious in practice. I think it is an unjust burden upon the already overtaxed resources of this people.

The other points the Senator makes are somewhat in accord with my own views, but the report, as is usual in such cases, was the result of a compromise. I do not think anything else can be done.

I may add that the provisions of the report have been submitted to the people through the newspapers and have been the subject of consideration and discussion for a number of months, the conferees having agreed, I think, in July last. There has been, so far as I know, no protest on the part of the people of the District against the report; on the contrary, it has been generally approved, and the decision has been regarded with favor and cordially acquiesced in by those most nearly interested.

Mr. BLAIR. May I ask the Senator as to the extent of the surface that is appropriated by this bill?

Mr. INGALLS. The quantity of land is not to exceed 2,000 acres and the expense not to exceed \$1,200,000.

Mr. BLAIR. Can the Senator indicate the general form of this piece of land?

Mr. INGALLS. It follows the sinuosities of Rock Creek, beginning where the Zoological Park ends, and thence extending westward along the windings of the creek, comprising the banks and cliffs, if you may so describe them, on both sides of the creek to the line of Maryland.

Mr. BLAIR. With something like a uniform width of park?

Mr. INGALLS. Not to exceed a certain amount on each side, the object being to exclude improved property as far as possible and establish a park that shall be limited to the valley of the creek, along which

a road is to be maintained that shall run as at present and be protected from any further change in the natural aspect of the region.

If there is objection to the present consideration of the report, of course I consent that it may go over; but I ask that it may be printed, giving notice that at the earliest opportunity to-morrow morning I shall ask for its consideration.

The PRESIDING OFFICER. Does the Senator ask that the report be printed?

Mr. INGALLS. I ask that it may be printed.

Mr. HARRIS. I suppose that there are printed copies in the committee-room?

Mr. INGALLS. It can be printed without delay.

Mr. HARRIS. I suppose so. I have no objection to the printing, but I should like, if the report goes over, that it be the understanding that we proceed with it early to-morrow morning.

Mr. INGALLS. I have given that notice.

Mr. BLAIR. I hope it may be, as the Senator suggests, at the very earliest opportunity in the morning hour.

Mr. INGALLS. I shall move the consideration of it at the close of the formal morning business, being allowed to do so under the usages and precedents and in accordance with the understanding of the Senate.

The PRESIDING OFFICER. Without objection, the further consideration of the conference report will be postponed until to-morrow morning immediately after the morning business, and the report will be printed.

UNITED STATES LAND COURT.

Mr. SAWYER. I move that the Senate do now adjourn.

Mr. INGALLS. Why can not we vote on the pending amendment to the private land claims bill?

Mr. WOLCOTT. If there is a quorum, I hope we may vote upon it.

Mr. SAWYER. I withdraw the motion to adjourn.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1042) to establish a United States land court and to provide for the settlement of private land claims in certain States and Territories.

The PRESIDING OFFICER. The pending question is on the amendment of the Senator from Colorado [Mr. WOLCOTT], which will be read.

The SECRETARY. In section 13, page 18, it is proposed to strike out subdivision 7 and insert in lieu thereof:

Seventh. No confirmation shall in any case be made or patent issued for a greater quantity of land than was originally granted by the Government under which the claim had inception, or for any greater quantity of land than was legally granted by such Government when the same was made.

Mr. COCKRELL. I was very anxious this morning, when the junior Senator from Nevada [Mr. STEWART] was discussing this subject, to ask him a question in order to ascertain from him what had been done in the private land claims in California in regard to any claim based upon a grant prior to 1824 and for a greater amount than 11 leagues. He did not desire to be interrupted just at that time. If there is any Senator who is a member of the committee, who can answer that question, I should like to know whether in the State of California there was in contest any private land claim based upon a grant of the Spanish Government prior to the independence of Mexico in 1824 and for a greater amount of land than 11 leagues, and, if there was, what was the action in regard to it?

Mr. HARRIS. Mr. President, in order that the chairman of the committee may have ample opportunity of giving the information asked for by the Senator from Missouri, I move that the Senate adjourn until to-morrow.

Mr. INGALLS. Will the Senator be good enough to change that to a motion for a brief executive session?

Mr. HARRIS. Then I move that the Senate proceed to the consideration of executive business.

EXECUTIVE SESSION.

The PRESIDING OFFICER. The Senator from Tennessee moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Friday, September 26, 1890, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

THURSDAY, September 25, 1890.

The House met at 12 o'clock m. Prayer by Rev. SAMUEL H. GREENE, of Washington, D. C.

The Journal of the proceedings of yesterday was read and approved.

SIXTH ANNUAL REPORT OF THE CIVIL SERVICE COMMISSION.

Mr. RUSSELL. Mr. Speaker, I present a privileged report from the Committee on Printing on the resolution referred to that committee providing for printing the sixth annual report of the Civil Service Commission.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That of the sixth annual report of the United States Civil Service Commission, for the year ending June 30, 1890, there be printed — copies; of which — copies shall be for the use of the Senate, — for the use of the House of Representatives, and 25,000 for the United States Civil Service Commission.

The committee recommend to amend the resolution so as to make it read as follows:

Resolved by the House of Representatives (the Senate concurring), That of the sixth annual report of the Civil Service Commission, for the year ending June 30, 1890, there be printed 31,000 copies; of which 2,000 shall be for the use of the Senate, 4,000 for the House of Representatives, and 25,000 for the United States Civil Service Commission.

The amendment recommended by the committee was agreed to, and the resolution as amended was adopted.

PAYMENT OF CLAIMS UNDER THE BOWMAN ACT.

Mr. CALDWELL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

Mr. PAYSON. Mr. Speaker, I rise to make a privileged report, and if the matter is to take any time I shall object.

The SPEAKER. The Chair thinks it will not take much time.

The Clerk read as follows:

For the allowance of certain claims for stores and supplies taken and used by the Army of the United States, as reported by the Court of Claims, under the provisions of the act of March 3, 1883, known as the Bowman act.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and required to pay, out of any money in the Treasury not otherwise appropriated, to the several persons in this act named the several sums mentioned herein, the same being in full for, and the receipt of the same to be taken and accepted in each case as a full and final discharge of, the several claims examined, investigated, and reported favorably by the Court of Claims of the United States under the provisions of the act of March 3, 1883, entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," namely:

To Jesse K. Vawter, of Jennings County, Indiana, \$175.

To David Hicks, of Hamilton County, Ohio, \$340.

To George Keel, of Hamilton County, Ohio, \$300.

The SPEAKER. Is there objection?

Mr. HOLMAN. I hope the report will be read.

Mr. KERR, of Iowa. I object; but will ask that the report be read.

The Clerk proceeded to read the report.

Mr. KERR, of Iowa. Mr. Speaker, I am informed that the amount involved is only about \$700 or \$800, and as this is a unanimous report I withdraw my objection.

The SPEAKER. Is there further objection?

Mr. HOLMAN. I think the report ought to be read.

The SPEAKER. There are eight pages in the report of the committee.

Mr. HOLMAN. As the report is so long, I will not insist upon its reading.

The SPEAKER. Is there further objection? The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. CALDWELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LAND-FORFEITURE BILL.

Several members sought recognition.

The SPEAKER. The Chair desires to recognize the gentleman from Illinois for the presentation of a conference report.

Mr. WHEELER, of Alabama. Mr. Speaker, I rise to a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. WHEELER, of Alabama. The question of privilege is this: On the 11th day of September, more than two weeks ago, I introduced a resolution the purpose of which was to ask information from the Interior Department regarding affidavits and papers affecting this bill. That resolution was referred to the Committee on Pacific Railroads.

The resolution was as follows:

Resolved, That the Secretary of the Interior be directed to inform the House what number of cases are now pending in his Department in which the claims of settlers are antagonized by the Northern Pacific Railroad Company or by other companies whose roads were not constructed within the time required by the granting acts. And whether said Northern Pacific Railroad Company is now seeking a reversal of previous decisions of the Department of the Interior favoring settlement claims. And whether said Northern Pacific Railroad Company has at different times filed different maps of general route for any portion of its line through the same part of the country, and, if so, whether public lands have been withdrawn from settlement and entry along each of said lines as the same was changed, or along additional routes, prior to the definite location of the line of such portion of road, and whether the Department of the Interior maintains or has maintained such withdrawals as an exclusion of the right of settlement and entry, prior to definite location. And, specifically, what are the decisions of his Department upon the point of the legality of withdrawals on second or subsequent maps of general routes, so filed, and of the validity of such indemnity withdrawals as against settlement rights under the terms of the grant to said company. And whether said company is seeking the reversal of previous decisions of the Department upon said points.

And he will further inform the House whether said Northern Pacific Railroad Company failed to definitely locate any portion of its road during the period within which, by the conditions of its charter, the road was required to be constructed, and what the decisions of his Department are upon the point of the legal right of a railroad company to definitely locate a line of road after the pe-

riod when, by law, the entire road was required to have been completed. And whether the decision of Mr. Secretary Chandler upon this point has ever been overruled by subsequent departmental decisions or by the courts, and, if not, whether the principle of said decision is applied in the practice of the Department to said Northern Pacific Railroad Company.

After more than seven days had elapsed, on September 19, I introduced resolutions under clause 5 of Rule XXII. This was done after I learned that no action had been taken by the committee.

The SPEAKER. The Chair would state to the gentleman from Alabama that the bill has been brought back for re-reference, and owing to the absence of a quorum in times past the bill was not brought up and the re-reference was not made.

Mr. WHEELER, of Alabama. I introduced the resolutions six days ago—and they have been printed in the RECORD—asking to have the committee discharged from its further consideration and have immediate action. My reason for doing that is because it is of the utmost importance that information which is now on file in the Interior Department shall be before this House before this bill is considered.

No report whatever had been made on September 19 nor had the resolution been brought back for re-reference.

Besides, the matter was of such great importance that I introduced two resolutions, one of which was referred to the Committee on Rules and the other to the Committee on Pacific Railroads.

The resolutions are printed on page 11201 of the RECORD. They are as I will read:

RESOLUTIONS.

Under clause 3 of Rule XXII, the following resolutions were introduced and referred as follows:

By Mr. WHEELER, of Alabama:

"Whereas on the 11th day of September, 1890, a resolution of inquiry was introduced in this House and was on that day referred to the Committee on the Pacific Railroads; and

"Whereas more than a week has elapsed since the reference of said resolution to said committee and no report has been made thereon by said committee: Therefore,

Resolved, That the Committee on the Pacific Railroads be, and they hereby are, instructed and directed to report said resolution back to the House without delay;"

to the Committee on the Pacific Railroads.

The other resolution was in a little different form, so that I could meet any possible objection or point of order, and was referred to the Committee on Rules:

"Whereas on the 11th day of September, 1890, a resolution of inquiry was introduced in the House and was referred to the Committee on the Pacific Railroads; and

"Whereas more than a week has elapsed since the reference of said resolution to said committee and no report has been made thereon by said committee: Therefore,

Resolved, That the Committee on the Pacific Railroads be, and they are hereby, discharged from the consideration of said resolution, and that the same be now brought before the House for immediate consideration;"

to the Committee on Rules.

This is the first opportunity that I have had to ask that these resolutions, or at least one of them, be considered.

Under the rules of parliamentary law and the decisions of this House they are privileged.

The SPEAKER. The Chair does not consider that question superior to a conference report, which by the rules of this House is given preference even over a motion to adjourn.

Mr. WHEELER, of Alabama. But, Mr. Speaker, will you let me read one little paragraph from the rules?

The SPEAKER. Does the gentleman think it takes precedence over a conference report?

Mr. WHEELER, of Alabama. I think that the resolution is essential.

The SPEAKER. Does the gentleman think it takes precedence over a conference report?

Mr. WHEELER, of Alabama. I think so; and I think I can show the Speaker that it does. On page 511 of the Manual it decides:

A motion to discharge a committee from the further consideration of a "resolution of inquiry" not reported within one week from the date of its reference is a "privileged question."

Two decisions by the Chair are cited on that point—one by Speaker Keifer and one by Speaker CARLISLE. In both cases it was held to be privileged; and it is privileged when the information that is sought to be obtained—

The SPEAKER. Does the gentleman say that it takes precedence over a conference report?

Mr. WHEELER, of Alabama. It is privileged over a conference report in a case like this. We are proposing legislation upon a question, and in order to act with intelligence on the subject certain information contained in the Interior Department is absolutely essential.

We are informed that more than a thousand affidavits made by miners and settlers in the Northwest are on file in the Interior Department, and that they show that the bill proposed to be considered will do these poor miners and settlers great injustice unless it is modified.

The rulings upon this matter can be found in the Journal of the first session of the Forty-seventh Congress, pages 1120-1125.

The Speaker will recollect that Speaker Keifer decided that a similar resolution by Mr. Robinson, of New York, was privileged.

Another case appears in the first session of the Forty-ninth Congress, page 1420, where Mr. CARLISLE decided that a case in which Mr. Taul-

bee had introduced a resolution of inquiry regarding substitutes in Departments was privileged.

WHY THE QUESTION IS PRIVILEGED.

The reason why a resolution like this is declared by parliamentary law to be privileged is solely for the very purpose that it is now invoked.

It requires no argument to prove such a proposition. Take the case before us. A bill is pending affecting the status of vast tracts of land. The occupants of the lands suddenly learn of the bill and find it will be very detrimental to their interests. They hold meetings and conventions and forward to the Interior Department petitions and affidavits signed by thousands upon thousands of poor settlers and frontier miners.

I promptly introduce a resolution asking that these papers be laid before Congress. It is ignored. I wait seven days and the rules say that after seven days the question is privileged. I rise to demand that this privileged question be heard immediately, so that Congress can have this important information before it considers the bill, which, I contend, should not be acted upon until the evidence is examined and understood. Mr. Speaker, we are about to try a case which affects the petitioners' rights. The evidence I demand is necessary to the defense. The rules say that my demand for the production of the evidence is privileged. Illustrate this with a parallel case.

The Constitution provides that a man accused of crime shall—be confronted with the witnesses against him, and have compulsory process for obtaining witnesses in his favor.

Now, according to the Speaker's view, that provision could be complied with by issuing process for the accused witness after his trial and conviction, and possibly after his execution.

The Speaker would argue that the Government's privilege to try the man was higher than the constitutional privileges of the accused, and that sort of argument would be just as sound as the Speaker's decision in this case.

The SPEAKER. The Chair will overrule the point of order. The gentleman from Illinois.

Mr. PAYSON. I yield for a moment to the gentleman from Iowa [Mr. LACEY].

VACANCY IN THE SECOND DISTRICT OF ARKANSAS.

Mr. LACEY. Mr. Speaker, I ask for the adoption of the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the Clerk of the House is hereby directed to transmit to the governor of Arkansas a copy of the resolution declaring a vacancy in the Second district of that State, adopted on the 5th day of September, 1890.

The resolution was agreed to.

LAND-FORFEITURE BILL.

The SPEAKER. The Clerk will report the conference report.

Mr. PAYSON. Mr. Speaker, this report was read at length last week when the matter was presented, and I ask unanimous consent to dispense with the reading.

The SPEAKER. There is no necessity for asking to dispense with the reading if the report has already been read.

Mr. WHEELER, of Alabama. I object. I insist that the report be read.

The SPEAKER. The Chair overrules the objection, as the report has been read.

Mr. WHEELER, of Alabama. It has not been read lately. [Laughter.] I think there was an effort to read the report or some part of it a week or more ago. Here is a very important matter brought before the House when few members were present, and I think that no attention whatever was paid to it.

There was considerable confusion in the Hall and excitement about the election case which it was understood would be taken up. The reading of the report was interrupted by messages from the Senate and other business. Members very seldom pay attention to the reading of a bill or report which it is known is not then to be acted upon. It was understood that it would not be taken up at that time and there were but few members in the Hall.

The SPEAKER. Precisely; but they should have been present.

Mr. WHEELER, of Alabama. The most of those who were away were Republicans, who were attending to their elections. When this bill was read I think there were more Democrats than Republicans present.

The SPEAKER. That, according to the gentleman's idea, must be best.

Mr. WHEELER, of Alabama. I desire that it should be read now, so that members present may understand it. An important matter like this should be conducted in a parliamentary manner. I am confident that the members of the House desire to have it read.

The SPEAKER. The gentleman is not entitled to have it read except by unanimous consent.

Mr. WHEELER, of Alabama. I ask unanimous consent to have the report read.

I desire to say to this side of the House that this bill was denounced

by the Democratic conferees of both the House and Senate. All of them refused to sign it and more than that every Democratic Senator opposed the bill, not a single one voting for it.

Mr. PAYSON. Is this proceeding by unanimous consent?

The SPEAKER. It seems to be.

Mr. PAYSON. I desire to be recognized?

The SPEAKER. The gentleman is recognized.

Mr. PAYSON. Now, Mr. Speaker, if I can have the attention of the House for a few minutes—

Mr. WHEELER, of Alabama. Will the Chair put my request for unanimous consent?

The SPEAKER. The gentleman from Illinois [Mr. PAYSON] requests the regular order, which is equivalent to an objection.

Mr. WHEELER, of Alabama. I desire to appeal from the decision of the Chair.

The SPEAKER. It is too late.

Mr. WHEELER, of Alabama. Then I rise to a question of privilege.

The SPEAKER. The gentleman from Illinois [Mr. PAYSON] has the floor.

Mr. PAYSON. If the gentleman from Alabama [Mr. WHEELER] will kindly give his attention, so that this matter can proceed, I think he will be satisfied with what I shall be glad to attempt to secure for him.

Mr. WHEELER, of Alabama. I would like to ask the gentleman from Illinois how much time he is going to allow for debate.

Mr. PAYSON. It is my purpose to conclude this matter within the hour, if that shall accord with the judgment of the House. I will say to the gentleman that the members of the Committee on Public Lands agree to that course, and the gentleman from Indiana [Mr. HOLMAN], who was on the conference committee, is content with my yielding out of my own time five or ten minutes, or so much time as he may desire to occupy, and it is my purpose to ask before commencing the discussion—if the gentleman from Alabama will give his attention.

Mr. WHEELER, of Alabama. I am listening very attentively.

Mr. PAYSON. Yes, I notice that the gentleman is. [Laughter.] I was saying, Mr. Speaker, that it is my purpose before commencing the discussion to ask unanimous consent to close the debate in one hour, and if the gentleman from Alabama desires to say something upon this subject I am willing to yield him a part of my own time.

Mr. WHEELER, of Alabama. I would like some time. I think, however, the gentleman is mistaken in saying that the members of the Committee on Public Lands agree to cutting off debate in this way, because one of the gentlemen on the committee has promised me an hour's time. [Laughter.] And another member of the committee promised me part of his time, which he understood would be fully half an hour.

Mr. PAYSON. If the gentleman has any other query that he desires to put I shall be glad to answer it.

Mr. WHEELER, of Alabama. The gentleman has not stated how much time he proposes to allow for discussion.

Mr. PAYSON. I have stated that it is my purpose to conclude the discussion within the hour. If it meets the approval of the House I hope the discussion will be confined to one hour.

Mr. WHEELER, of Alabama. I ask unanimous consent to let me have an hour.

Mr. PAYSON. I will be willing to yield to the gentleman from Alabama ten minutes of my own time, which is more than I shall occupy myself, if he will be content with that.

Mr. WHEELER, of Alabama. I will not be content with that.

Mr. PAYSON. Then I shall take the usual course.

Mr. Speaker, it would be an assumption of egotism, I think, if I should assume that anything new could be said upon the subject which is embraced in this conference report. The matter which it includes has been debated in every phase, so far as I know, for the past seven or eight years. When the bill was under discussion in the House the whole subject was very thoroughly considered. As gentlemen about me will remember, no gentleman who desired to speak was denied an opportunity. This conference report covers the general subject of the forfeiture of railroad land grants and embraces within its provisions every acre of the public land about which there is no dispute which is the subject of forfeiture under existing law. The bill when it was considered in the House was very thoroughly discussed. As I have already said, no member of the House who desired to speak upon it was denied an opportunity so to do. Every amendment which was desired to be offered was offered in Committee of the Whole and voted upon, and upon the subjects of disagreement between the two Houses which went to the conference there was no disagreement in the conference.

In a general way I may perhaps be justified in saying that, while the gentleman from Indiana [Mr. HOLMAN] did not sign this report, it was because he did not believe in the principle embraced in the first section of the bill, which was passed here by an overwhelming majority, but he did not dissent on any question of difference between the two Houses. The first section of the bill provides that all lands lying opposite road not constructed and in operation, for which public land was granted, are, by this bill, forfeited and restored to the public domain and made sub-

ject to settlement under existing law. The other provisions of the bill, as appears in the conference report, are in substance as they passed the House, except two sections, one relating to the Mobile and Girard Railroad, in the State of Alabama, and the other relating to the Gulf and Ship Island Railroad, in the State of Mississippi.

Section 7 of the original bill, which provided that nothing in this act contained should be construed to prevent any subsequent Congress from declaring further or other forfeitures if it should be deemed desirable, has been stricken out of the bill by the action of the conference. That proposition was offered in the Senate, and by a ye-and-nay vote was rejected by a large majority. In the House it remained in the bill, but the conference committee agreed that it might be omitted for the reason that the bill without it was exactly as strong as with it, as the provision gave no rights to Congress which Congress did not already have. Upon this the conferees are all agreed. The bill on its face proposed to deal only with land lying opposite road not constructed; and, being desirous then, as we are desirous now, of having all questions connected with unconstructed road and land lying opposite unconstructed road out of the way and put behind us, we have agreed upon the bill in this form. Not an acre of land lying opposite constructed road is confirmed or in any way affected by this report. Congress has every right that it now possesses to act as it may choose hereafter. To this all the conferees agree. This is all I care to say as to this phase now.

The propositions as to the Mobile and Girard Railroad were substantially the same as those which were placed upon the bill by an amendment here in the House. By the House amendment certain tax titles were recognized, which had accrued upon some of the lands in the Mobile and Girard grant, but upon investigation we found that most of those tax titles had been acquired for a merely nominal sum, in some cases not exceeding one-half of 1 cent per acre, and therefore we concluded unanimously that that provision should be struck out of the bill and the tax claimants be left to whatever remedy or rights they might have at law. We also provide, as a condition of the Mobile and Girard Railroad being allowed for lands that it has earned by the construction of a certain portion of its road, 84 miles in length, that the company shall, within ninety days from the passage of this act, make formal relinquishment of title for the benefit of persons who have settled upon lands within the limits of its grant.

That is the only change made in this report with reference to the Mobile and Girard grant.

I now desire to call attention to a provision with reference to the Gulf and Ship Island Railroad. By a section which we now make a part of the bill we provide that the Gulf and Ship Island Railroad Company shall have one year within which to complete its road from the port of Ship Island, on the Gulf of Mexico, northward to the point of intersection on the Northeastern Road running across from Mobile, a distance of about 75 miles, and shall be entitled to such lands as it shall earn within that time, provided its road shall be constructed to that point within a year.

I agree, Mr. Speaker, that by consenting to this proposition we make a departure from the practice in this House for years past with reference to this subject. But the appeal with reference to this road was made on the floor of the House eloquently and truthfully by the distinguished gentleman from Mississippi [Mr. HOOKER], and the same argument was advanced in the conference committee. It was urged that the State of Mississippi was left poor by the results of the war, having but one seaport upon its borders, Ship Island, on the Gulf of Mexico; that its railroad facilities were few and inadequate; that the people there were unable to build this needed improvement for transportation in that State without some help from some source, and remembering that under the general land-grant policy which was adopted so many years ago the great and overwhelming preponderance of benefit has been given to the extreme Northwest, we were willing for the sake of a local improvement of vast advantage to the people of Mississippi to allow the railroad company there the benefit of one year's time within which to complete this road and to give them something like 120,000 acres of the public land to aid in that improvement under the old act passed in 1856.

But we couple with this provision the condition that the railroad company shall within ninety days from the passage of this bill, if it should become a law, file in the office of the Secretary of the Interior a formal relinquishment of every acre of land within the limits of that grant which is now in possession of any actual settler and to which the railroad company might otherwise be entitled; and we impose the additional requirement that whenever any land within the limits of this grant, which was made in 1856, prior to the war, has been sold by the officers of the General Government and the money paid into the Treasury and still retained by the Government, this railroad company shall relinquish all rights as to such land.

In our judgment, Mr. Speaker, this is an equitable arrangement. It was a matter of duty, as we thought, to protect and mature the titles of these settlers upon the public lands within the limits of this grant within the area named, aggregating, according to my recollection, about 80,000 or 90,000 acres.

By this amicable arrangement we reach three results. In the first

place, where parties have purchased public land in good faith and the Government still retains their money, their title is to be made good by a relinquishment of the land on the part of the railroad company; in the second place, the title of every settler upon the land is to be made good; and, thirdly, a necessary public improvement is aided to this trivial extent by the generosity of the National Government toward the State thus benefited.

These, Mr. Speaker, are in substance all the changes that have been made in this bill since its passage by the House; and we now submit it in the hope that it will receive favorable consideration.

Mr. Speaker, I would be glad to know how much time I have occupied.

The SPEAKER. Ten minutes.

Mr. PAYSON. Reserving the remainder of my time, I desire to yield to the gentleman from Indiana [Mr. HOLMAN] ten minutes of it or so much as he may desire; but before yielding I ask unanimous consent that gentlemen who may desire to print remarks in the RECORD with reference to this question may have leave to do so. Several gentlemen have intimated to me their wish that this privilege be granted.

The SPEAKER. The gentleman from Illinois [Mr. PAYSON] asks unanimous consent that members may print in the RECORD remarks on this conference report. Is there objection? The Chair hears none.

Mr. PAYSON. I now yield to the gentleman from Indiana ten minutes of my time or so much as he may desire.

Mr. HOLMAN. I hope that the gentleman from Illinois will not limit me to ten minutes. I desire, with the consent of the gentleman, to yield five minutes to the gentleman from Arkansas [Mr. MCRAE].

Mr. MCRAE. Mr. Speaker, I can not, of course, undertake to discuss this bill in five minutes. I did hope that we would have sufficient time to debate this conference report somewhat at length; and I would have been glad to yield a portion of my time to the gentleman from Alabama [Mr. WHEELER]; but, of course, both of us will not be able to make speeches in five minutes.

In the brief time allowed me I wish simply to call the attention of the House to the omission by this conference report of the seventh section of the House bill and to remind gentlemen of the circumstances under which this bill passed the House. When some of us on this side of the House, comparing the House bill with the Senate bill, insisted that we should forfeit all lands earned out of time, the chairman of the committee [Mr. PAYSON] and gentlemen who followed him pointed us by way of answer to section 7 of the House bill; and it was an argument which was very hard to overcome. They said, "We will forfeit that about which there is no question; and by section 7 we reserve the right to make further forfeitures in the future."

But this conference report omits that section, and whatever we may now do will, in the language of the gentleman from Illinois, be a finality. Not only will that which you forfeit be put behind you, but all the lands continuous on roads built out of time will also be behind you. It would have been much better if this section had never been in the bill than that it should have been adopted and now be stricken out. There is, I believe, a purpose in striking it out, and it ought not to be struck out.

Mr. HERMANN. Will the gentleman permit a question?

Mr. MCRAE. Certainly.

Mr. HERMANN. Assuming that there is at present no reservation in the bill of the power of Congress in the future to make further forfeitures of granted lands, I ask the gentleman whether that of itself takes away the power which is inherent in Congress to do that.

Mr. MCRAE. Mr. Speaker, we have heard a good deal from time to time about inherent powers, but the inherent powers of which gentlemen speak have not been much invoked in dealing with the railroad companies throughout our legislation heretofore. But it is manifest that when you undertake to forfeit a land grant and stipulate expressly what lands shall be forfeited the courts will hold that you can not afterwards forfeit anything beyond that; at least that was the theory on which the House bill was drawn. On that argument the bill was forced through the House. That was the sentiment prevailing in the House at the time of the passage of the bill, and I do not believe that at any time since I have been a member of this House would they have passed a bill if that provision had not been embodied in it.

Mr. ALLEN, of Mississippi. Is the gentleman aware of the fact that this same proposition was made in the Senate as an amendment to the bill in the Senate (the same proposition that was in the bill when it passed the Senate two years ago) and was voted down?

Mr. MCRAE. Yes, sir; that is true. Two years ago this amendment was moved by Senator Beck, who proposed it as an amendment on the floor of the Senate. It did not come from the Committee on the Public Lands of that body, but was adopted as an amendment when the bill was under consideration, and the minority of this House then—the majority now—seized upon that fact and insisted that it was sufficient protection to the people, and the bill was passed in this session of Congress under the belief that the people would be protected and that at any time in future when a Congress might assemble disposed to forfeit the lands they would have the power.

Now, I desire, if I can be permitted to do so, to move to instruct

the conferees to restore this section to the bill, and if I can have the attention of the gentleman from Illinois I would like to know if he will give his consent that I may have that right? I see the gentleman shakes his head.

Mr. PAYSON. I do not know that I understand the proposition of the gentleman, but of course he will understand that this bill is being considered in the ordinary way of considering conference reports.

Mr. McRAE. Of course if I had the power to do so I would make the motion in my own right, but being restricted I must ask consent to do so.

The SPEAKER *pro tempore* (Mr. ALLEN, of Michigan). The time of the gentleman has expired.

Mr. McRAE. Then, Mr. Speaker, I ask unanimous consent that I may be permitted to lodge the motion to instruct the conferees to restore section 7 to the bill.

Mr. PAYSON. I object to that.

The SPEAKER *pro tempore*. To whom does the gentleman from Illinois yield?

Mr. PAYSON. The gentleman from Indiana [Mr. HOLMAN] has still five minutes remaining.

Mr. HOLMAN. I trust my friend will allow me a little more than five minutes.

Mr. PAYSON. Before the gentleman begins, I will yield him ten minutes. There are several gentlemen on the list to whom I desire to yield, and I have probably promised more time than I can control.

Mr. ANDERSON, of Kansas. I want simply to state to the gentleman that this is an important matter and ought not to be gagged down in one hour. He had better not insist on the previous question.

The SPEAKER *pro tempore*. The arrangement as to time has been already made.

Mr. HOLMAN. There has been no understanding, Mr. Speaker, on that subject on the floor of the House.

Mr. Speaker, I trust the House will at least understand the state of this question and the importance of the action which we are now called upon to take. I have talked so much to the House of what forfeiture of these grants ought to be declared that I should not feel justified now in occupying any time if it were not for the fact that I desire the real issue to be fairly and fully presented before the vote is taken upon this report. As one of the House conferees, I have not signed this report for reasons I will state.

The House is aware of the fact that two different propositions have been presented with regard to the forfeiture of these land grants, beginning with the first session of the Forty-eighth Congress. The House has declared over and over again in every Congress until this Congress that the least forfeiture that ought to be made would be all of the lands not earned by the railroad corporations within the time prescribed by law; and gentlemen will understand that the amount of land involved in that proposition is now 53,741,596 acres, in addition to the 50,987,840 acres declared forfeited by the Forty-eighth, Forty-ninth, and Fiftieth Congresses. The House never varied from that position until the present session of Congress. Gentlemen, of course, understand all that.

The Senate repeatedly insisted that the forfeitures should be limited to lands "not now earned" and to which the railroad companies have no pretense of claim—lands opposite portions of the roads never constructed and as a general rule never intended to be constructed. When this subject was discussed in the last Congress, the seventh section of the present House substitute was in the bill of the Senate, reserving expressly the right of Congress to declare further forfeitures; I stated then that it meant nothing; that if you passed the bill declaring the forfeiture of the lands "not then earned" it would be the end of the controversy, and the patents would be issued; that the General Land Office would proceed at once to close the accounts and issue the patents to the corporations for all the lands not embraced in the bill. And the gentleman from Illinois [Mr. PAYSON], in answer to a question, stated distinctly that this provision was of no real value; that as a matter of course Congress, if it had the power to declare further forfeitures, would do so if it thought proper to do so thereafter.

I stated distinctly then, and I state now, that if the bill should pass with this seventh section in it no actual rights would be reserved, and the effect of the passage of the bill would be the same; that it would still confirm the whole of the more than 53,000,000 of acres of land which this House has declared over and over again, up to the close of the last session, ought to be forfeited by Congress. Now, I wish to call the attention of the House for a moment to the history of this provision. The Senate and the House both agreed to it in the last Congress. It is as follows:

That nothing in this act shall be construed to waive or release in any way any right of the United States to have any lands granted by them as recited in the first section forfeited for any failure, past or future, to comply with the conditions of the grant.

That section was in the Senate bill and in the House substitute.

Mr. HOOKER. That is the seventh section.

Mr. HOLMAN. Yes, that was the seventh section of the present House substitute. It was in the House bill and it was urged as an argument before the House for the passage of the substitute that all rights to make further forfeitures were expressly reserved. I was very glad

to see, when the bill passed the House some time ago as a substitute, reported by the gentleman from Illinois, that the gentleman considered that that provision of itself did not reserve any other right than those which would exist anyhow. That had been my own position in the last Congress, as an argument against the House attaching any importance to that provision. So both Houses consented to that proposition in the last Congress. It was in the Senate bill and House substitute.

The House insisted upon it at the present session of Congress and the Senate refused to agree to it and struck it out. Upon what principle? Upon the ground expressly stated that it would leave "a cloud upon the title of the corporations to the lands not forfeited," that is, to the 48,619,760 acres of land not declared forfeited by the bill, and which this House has for years over and over again declared that Congress ought to forfeit. That section was stricken out, and the RECORD will show it, for the purpose of removing any "cloud that might otherwise rest upon the title of the railroad corporation to these lands." A majority of your conferees have now agreed to strike out this seventh section, so that the title of these corporations to 48,619,760 acres will be confirmed.

Now, Mr. Speaker, this is a mortifying position for this House to be placed in. That section carried the substitute, and now you are asked to adopt a report that strikes it out.

What is the real propelling force behind this bill? It is the Northern Pacific Railroad corporation. I have stated to the House on a former occasion that that corporation has been lobbying even on the floor of the House for the passage of this bill. And why? Well, for several reasons. Among others, the passage of this bill is known to be the end of this legislation. Whatever you declare forfeited now will terminate every effort to declare forfeitures. If you pass this bill in its present form, with this history as to the seventh section, that section being expressly omitted to relieve these corporations from a cloud on their title to the unforfeited lands, then what follows? Why, as a matter of course, your General Land Office will at once proceed to issue the patents to these 48,619,760 acres, and what is the effect of that? To confirm their titles to imperial landed estates. The effect of that is that in the single State of Montana—and I hope I have the ear of the gentleman representing that great young State [Mr. CARTER]—that in the single State of Montana it is asserted by gentlemen well informed, if not by the gentleman representing that State himself, that there are at least 5,000,000 acres of valuable mineral land which were not granted to the Northern Pacific Railroad corporation, and which will only become vested in that corporation when the patents shall be issued; for it is now understood to be the law that until a patent does issue the discovery of mineral lands, gold and silver and the like, prevents the land from passing to the railroad corporation.

If the patent is issued before the discovery the title vests absolutely in the corporation.

Mr. PAYSON. Will the gentleman permit a single interruption?

Mr. HOLMAN. Certainly.

Mr. PAYSON. The gentleman from Indiana, of course, desires to be accurate with reference to all his statements here.

Mr. HOLMAN. Certainly; I wish to be accurate.

Mr. PAYSON. I want to correct the statement of the gentleman from Indiana as to what the holding of the Department is. This Administration, by Secretary Noble, has held explicitly that, under the act of Congress making the grants to the Northern Pacific, the Union Pacific, the Atlantic and Pacific, and the Southern Pacific Railroads, not an acre of mineral land can pass under any condition whatever. He has made a recent decision at great length, holding exactly the opposite view from that which the gentleman from Indiana [Mr. HOLMAN] has stated.

Mr. HOLMAN. Now, does the gentleman entertain the least hope that after the patents shall issue the courts will go behind the patents?

Mr. PAYSON. The gentleman seems to misapprehend what I say. The patent can only issue upon the approval of the Secretary of the Interior, and he has made a recent decision, to which the attention of my friend, I think, has not been called, that no patent will issue as to any land that contains an ounce of mineral, and any patent that does issue will contain a reservation as to everything of that kind.

Mr. HOLMAN. My friend is clearly right about that. If it is known that the land is mineral land, if the fact has been demonstrated by actually delving into the earth, then the patents will not issue, but if the patent shall issue—and it will promptly on the passage of this bill—does my friend from Illinois [Mr. PAYSON] pretend that the courts will go behind that patent and declare the patent null and void because subsequently the lands were discovered to be valuable mineral lands?

I wish to repeat that question.

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. PAYSON. I yield the gentleman another minute, as I was not listening to the gentleman on account of answering inquiries of other gentlemen. I yield the gentlemen five minutes more.

Mr. HOLMAN. The Northern Pacific Railroad Company, the corporation that is pressing this measure ahead, has no claim upon the generosity or bounty of Congress. You are about to confirm to the for-

eign owners of this Northern Pacific Railroad a body of wealth beyond the dream of the most greedy avarice.

Mr. HEARD. Will not the practice, as remarked by the gentleman from Illinois, be to this effect: That under the present rule any patents that issue hereafter to these lands will contain a reservation protecting the lands on which mineral discovery is made?

Mr. HOLMAN. Well, it will if a law to that effect is passed. Is such is the purpose, why is it not expressed in this bill?

Mr. PAYSON. That is the holding of the Department now.

Mr. HOLMAN. If such a provision be ingrafted upon the patent by authority of law it will be; otherwise it will not. If not so ingrafted in conformity with law it will be a mere nullity. I think I have the ear of the gentlemen representing Montana and South Dakota, and those gentlemen certainly have investigated this subject and have learned the fact that when the patents are issued—and these patents will be promptly issued when this bill becomes a law—the title is irrevocable out of the United States and in the railroad corporation.

Now, if there were any equity in this matter I should not complain; but here is a corporation that never threw a spadeful of earth until eight years had elapsed after the grant was made, and that an enormous grant of more than 42,000,000 acres of land—the most valuable ever made by a government, even a monarchy, and made upon the theory of their opening up the country. Yet until the 2d day of July, 1872, eight years after the grant was made, not a spadeful of earth was thrown. When the time finally expired, after it had been twice extended, on the 2d of July, 1879, there were over 1,600 miles of the railroad uncompleted; and it is land to that amount, over 30,000,000 of acres of this grant alone, that ought to be forfeited, and the House ought to demand that, if nothing more, in the interest of common honesty and justice, and demand it until the people compelled the Senate to agree to it.

Here is a corporation entitled to no favors. Railroads were building westward and eastward from Portland on the one side and from Minneapolis and other points east, converging together before this railroad got fairly under way, and the railroad simply stood in the way of progress, interposing obstacles to the construction of railroads between the Mississippi and the Pacific. Under these circumstances it seems to me remarkable that Congress shall deliberately go back upon its own record and declare a forfeiture of only 2,000,000 acres which the railroad corporation does not want, because another railroad, built by private enterprise, had been constructed over the same territory of land.

Now, sir, while it is not my purpose to vote against a bill forfeiting even a single acre of the land granted to these corporations, I must declare this measure a deliberate abandonment of the rights of the people, and that, too, at the dictation of a powerful corporation.

Mr. HOOKER. Will the gentleman from Indiana allow me a question for information? Do I understand you to take the position that because this bill forfeits a certain quantity of the public lands granted to railroads therefore Congress can not hereafter forfeit other lands not earned by them?

Mr. HOLMAN. Does my friend think that a bill will be introduced for that purpose?

Mr. HOOKER. I do not know about that. I am speaking of the power of Congress over future forfeitures.

Mr. HOLMAN. I do not pretend that the power of Congress would be affected, except as clearly abandoned; but does any gentleman indulge the slightest hope that after the "patents are issued" Congress will go behind the patents and declare the forfeiture of lands for which patents have been authorized? When this bill is passed your Department will promptly issue these patents, and these lands are turned over to corporate monopoly.

Now, sir, when the railroads were not even located and after the time for their completion had expired, thousands and tens of thousands of people had settled within their vast strips of land, 60 and 120 miles wide, including their indemnity limits, when the railroad company was not even in progress of construction, and within the time in which the construction was to be completed had expired. These claimants are now before you, and a bill is ready to be reported indemnifying four hundred of them for losses sustained by them for lands settled within the second indemnity limit and who had settled at the time when no railroad was even in progress of construction.

Mr. ALLEN, of Mississippi. And this bill does not provide for these people at all.

Mr. HOLMAN. This bill does not; but there are bills pending that do. There are tens of thousands of people who are affected by it and for whom relief will have to be given. You have allowed these parties in many instances to enter upon the land. There have been thousands of patents issued for lands opposite unearned railroad grants, and you will turn these lands over to these corporations and make reparation from your Treasury for the injustice done these settlers.

I protest against this act of flagrant injustice to the American people, and yet there is no remedy, for gentlemen will hesitate before voting against any measure of forfeiture, however partial.

The SPEAKER. The time of the gentleman has expired.

Mr. PAYSON. Mr. Speaker, I had agreed to yield ten minutes to

the gentleman from Alabama [Mr. WHEELER] and he desires an extension beyond that, and I ask unanimous consent that he be granted fifteen minutes additional.

The SPEAKER. Without objection, the request will be granted.

There was no objection.

Mr. WHEELER, of Alabama. Mr. Speaker, the great corporation Congress of the nineteenth century is about drawing to a close, and I suppose it might as well end by passing this measure, falsely called a forfeiture bill, as to devote its time to other iniquities which encumber the Calendar. Members of this House who are disposed to defend the right of the people are powerless to resist the influences which are now controlling this body. I suppose this bill has been selected for consideration because it does more harm to the people and is of more benefit to corporations than any other bill on the Calendar. I have not the remotest conception that I shall succeed in preventing the passage of the bill, but I shall present some of its hideous features not only to this body, but to the people.

I will begin by submitting the following propositions:

I. That the Speaker erred in expressing his desire to recognize Mr. PAYSON when I was on the floor demanding the consideration of a privileged question.

II. That he erred in deciding that my resolution calling for information was not privileged.

III. That he erred in refusing my demand that the bill be read.

IV. That he erred in refusing to submit to the House my request that the bill be read by unanimous consent.

V. That he erred in refusing to submit to the House my request for an hour's extension of time to debate the bill.

I shall endeavor to show—

1. That the unwarranted and injudicial action of Mr. REED, exercised in the interest of the Northern Pacific Railway, went very far to surrender and possibly to confirm to that corporation 40,000,000 acres of land which belongs to the people.

2. That he reversed his legal decision in his report which declared a forfeiture of a rival road to the Northern Pacific.

3. That this is the first time that a forfeiture bill has been presented to this body framed so as to seek to prevent further forfeitures.

4. That the bill in conjunction with the Sawyer decision will despoil miners and other frontier settlers of their lands.

5. That the efforts of the Northern Pacific to resist forfeiture, which efforts were championed in this House by Mr. REED, exasperated Mr. PAYSON so that he denounced this corporation as a "briber and thief."

6. That now Mr. PAYSON brings in and champions a bill which leaves said railroad in possession of 40,000,000 acres which he insisted four years ago belonged to the people.

7. That Mr. REED and Mr. PAYSON after years of warfare on this question, tenderly embrace in this grand tableau, a corporated wealth is triumphant.

8. That Mr. PAYSON objected to the bill being read, thus keeping the members of this body in ignorance of its provisions.

9. That the bill leaves the rights of settlers unguarded.

10. That the rights of the Government are unprotected by the bill.

11. That the bill is unconstitutional.

12. That every Democrat on all committees and in the body of both the House and Senate has denounced the bill and voted against it.

POWER EXERCISED BY CORPORATIONS IN CONGRESS.

For eight years I have looked with alarm at the increasing tendency to allow corporations to exercise their power in legislation, both State and Federal. They have been here demanding the passage of laws of nearly every character, but this is the first time in the history of Congress that a corporation has appeared before it and asked a forfeiture of land heretofore granted to them.

There are 40,000,000 acres of land which belong to the people of the United States which a corporation has within its grasp, and that corporation comes and says to Congress: "Forfeit 4,000,000 acres which we do not want, which we never will earn and never can earn, because the country through which the road would run has been occupied by another railroad, and, in consideration of your forfeiting those lands which we do not want, we ask you to confirm to us 40,000,000 acres of land, worth \$200,000,000." And that proposition, Mr. Speaker, is sought to be crowded through this House with one hour's debate, half of which time is to be occupied by the gentleman who reports this bill. And had it not been for my urgent protest they would have accomplished their purpose. It is not surprising that the advocates of this bill feared the effect of a discussion of its features.

There is no member of this House more determined than myself in demanding that a bill should be passed forfeiting all the unearned lands which have been heretofore granted to railroads, but this bill does nothing of the sort. So far from forfeiting lands it is little more than an effort to make a regnant or free gift of millions of the people's domain to the corporations who are demanding the passage of this bill.

AMENDMENTS ABSOLUTELY ESSENTIAL.

Now, sir, there are three amendments which ought to be made to this conference report, and if the gentleman in charge of the bill will consent to make these three changes I will then most gladly give

the bill my most hearty support. First, the bill should be amended by inserting the same provision that has been in every forfeiture bill heretofore brought into this House.

No one appreciated the necessity for the incorporation in the bill of section 7, which provided for future forfeitures when it should be found that the lands belonged to the Government—no one, I say, appreciated more highly the necessity for that provision than the distinguished gentleman from Illinois [Mr. PAYSON] who has charge of this bill. Two months ago, when the bill was brought into this House, an inquiry was made by the gentleman from Missouri [Mr. HEARD] whether the bill would have the effect of confirming the title of any lands to railroads. It had been said on this floor that this bill does not forfeit one-tenth of the lands that ought to be forfeited, and he asked if there was a provision to authorize Congress to make further forfeitures and restore to the people the land that belongs to them and that is now in the hands of these corporations.

In reply to that, the gentleman from Illinois [Mr. PAYSON] said that there was. I will read the language of Mr. HEARD and Mr. PAYSON. I read from page 7525 of the CONGRESSIONAL RECORD:

Mr. HEARD. Now the other inquiry—as to whether it will have the effect of confirming any title in a railroad to such lands where the road was finished out of time.

Mr. PAYSON. Now, I am coming to the inquiry of my friend as to whether it will have the effect of confirming any title or whether it shall prevent Congress from acting hereafter if it desired. That is covered by the seventh section, which I will read.

Then section 7 was read, which provided that, if lands should be found hereafter that ought to be forfeited, Congress should have the power to declare further forfeitures.

Section 7 is in the following words:

That nothing in this act shall be construed to waive or release in any way any right of the United States to have any other lands granted by them, as recited in the first section, forfeited for any failure, past or future, to comply with the conditions of the grant.

Mr. PAYSON then proceeded, as I will read:

That is reserving the right on the part of Congress to do anything it may choose hereafter in any other form it pleases with reference to this very character of land.

Then the gentleman from Missouri [Mr. HEARD] said: "That is satisfactory, Mr. Chairman."

Thus it will be seen that the gentleman from Illinois admitted that a provision of that kind was eminently proper, if not absolutely necessary, in order to save the rights of the people.

Mr. PAYSON. Will the gentleman permit an interruption at that point?

Mr. WHEELER, of Alabama. Certainly I will.

Mr. PAYSON. If the gentleman will follow the remarks that he holds in his hand he will see that I asserted there, as the gentleman from Indiana [Mr. HOLMAN] has asserted to-day, that the seventh section was absolutely worthless for any purpose, because Congress had just as much power without it as with it; and the gentleman from Alabama entirely misrepresents me when he says that I made any such statement as that it was necessary, and he holds in his hand the evidence that his statement is incorrect.

Mr. WHEELER, of Alabama. I have simply read the gentleman's remarks from the RECORD. I have read every word that he said in reply to this question of Mr. HEARD or in any way referring to the section which is now omitted. I construe his statement as unequivocally asserting that section 7 is a reservation of the right on the part of Congress to deal with lands in the future which ought to be forfeited. However it may hurt, he can not escape the force of his own language. He was answering inquiries as to whether the bill—

will have the effect of confirming any title or whether it shall prevent Congress from acting hereafter if it desired.

Mr. PAYSON then says:

That is covered by the seventh section.

Now, the section which covered that important point is gone. It has been omitted from the bill; and I demand and the friends of the Government and people demand that the friends, I might say the almost slaves, of corporations which are dominating this Congress restore that section. I demand this in the interest of the people. I am not surprised at the gentleman's embarrassment and his great desire to make it appear that he is misrepresented, because his omission of section 7 from this bill in connection with his reply to Mr. HEARD shows that he must know he is doing the people the greatest injustice.

I think the gentleman is mistaken, too, regarding what the gentleman from Indiana [Mr. HOLMAN] has just said on this subject. The gentleman from Indiana refused to sign the conference report because he regarded this bill as an abomination.

The gentleman from Indiana stated that the Senate insisted on striking out this section upon the ground that if it was allowed to remain in the bill—

it would leave a cloud upon the title of the corporations to the lands not forfeited—

and later on the gentleman asserted that the RECORD would show that the section was stricken out—

for the purpose of removing any cloud that might otherwise rest upon the title of the railroad corporation to these lands.

I understand the gentleman from Illinois [Mr. PAYSON] fully concurred with the Senate, and the gentleman from Indiana [Mr. HOLMAN] concurs with me that this action of the conferees was intended to and does confirm the title to 40,000,000 acres of lands to the Northern Pacific, every acre of which belongs to the people. The whole affair is one of the most disgraceful proceedings ever enacted by a parliamentary body.

Again I want to call attention here to the fact that every Democrat, both in the Senate and House, refused to sign the conference report and every one of them denounced the bill. I also want to call attention to the fact that every Democratic Senator voted against the bill, not a single one voting for it, and, in the face of these facts, it is shocking to see Democrats rise on this floor and say they are willing to take this bill because it is the best they can get.

I desire to ask how any Democrat can reconcile himself to vote for this fearful corporation bill. The platforms of our State and National Conventions have all demanded that these unearned lands held by the Northern Pacific and other railroads shall be forfeited; and the purpose of this bill is to do precisely the reverse. It seeks to confirm grants of unearned lands, not to forfeit them. The platforms of the Democratic party of 1876 and 1880 denounced this waste of the public lands and their diversion from actual settlers. The platform of 1884 said:

We believe that the public land ought, as far as possible, to be kept as homesteads for actual settlers; that all unearned lands heretofore improvidently granted to railroad corporations by the action of the Republican party should be restored to the public domain.

THE HOUSE IGNORANT REGARDING THE BILL.

The truth is there are not six men on this floor that know much about the provisions or anything at all about the effect of this bill. For some reason copies of the bill have not been brought in the House for distribution to the Members. I have not seen a single copy of the bill in the House to-day, and for some inexplicable reason the Speaker refused to allow the bill to be read when it was called up this morning.

I used every effort in my power to have the bill read to the House.

Every member of this body knows that under the rules all bills are required to be read when brought before the House.

The gentleman from Illinois [Mr. PAYSON] so fully understood this rule that he asked unanimous consent to dispense with the reading of the bill. I objected, and the Speaker decided that it was not necessary to ask unanimous consent and overruled my objection. I then demanded the reading of the bill, and the Speaker decided that I had no right to demand it. I asked unanimous consent to have the bill read. The Speaker refused to submit my request for unanimous consent to the House and the gentleman from Illinois [Mr. PAYSON] proceeded with his speech in favor of the bill. I regard the whole proceeding as one of the most high-handed violations of parliamentary law that have occurred in this extremely high-handed Congress. The Speaker and Mr. PAYSON together have succeeded in keeping the House quite ignorant of the provisions of the bill.

But, Mr. Speaker, if that section will do no harm why take it out? Why not leave it in the bill? We think it will do good. Suppose this matter were before a court, and the court should have the fact brought before them that the highest legislative body in the world struck out that provision, would not the court say that that was a legislative declaration on the part of this body intended to cut off any further effort at legislation on the subject?

And, even if the court would not, Congress hereafter would. The argument will be made in the next Congress that the striking out of section 7 was a legislative declaration on the part of this body that we ought not to go further in this matter of the forfeiture of land grants.

Now, Mr. Speaker, who are the persons affected by this bill? Here is a domain of land seventy-five times as large as the State of Rhode Island, to which the Northern Pacific Railroad Company has not one scintilla of title more than you have or more than I have, and yet, in discussing a question which is connected with that and with no other corporation, that section is stricken out. I have here letters and petitions and proceedings of conventions of the people interested which I have not time to read, calling upon Congress to do them justice.

MINERS AND MINERAL LANDS NOT PROTECTED.

There is another point I want to allude to in connection with the same matter. Congress knows that the mineral lands were excluded from this land grant. Congress also knows that the Northern Pacific Railroad Company has seized upon valuable mines in that region and has commenced suits of ejectment against persons who are engaged in opening and working those mines, and Judge Sawyer in some of those suits has decided—I have the decisions here—that mineral lands which were not known to be mineral lands at the time the grant was made go to the railroad the same as the agricultural lands. There are two of these decisions.

The gentleman from Montana [Mr. CARTER] introduced a bill to correct this great wrong, but that bill has slept in the room of the Committee on Public Lands ever since the 17th day of April last, and while it has been kept in that room and has never been brought before the House, while the people of the Northwest are ignorant of this momentous question, this present bill is railroad through this House,

the effect of which will be to enable the railroad company to eject the miners from the works which they are now carrying on.

One gentleman says they can appeal to the courts; another gentleman says that these opinions of Judge Sawyer will not stand the scrutiny of the Supreme Court; but all the gentlemen from the Territories and from the new States know full well that the miners are mostly poor men and can not afford to appeal their cases to the Supreme Court of the United States; and, even if they could, how can they contend with a corporation which is worth a hundred millions and which has in its coffers two hundred millions of the people's money? I have insisted that the bill of the gentleman from Montana be acted upon, and I insist now that this bill under consideration never ought to pass this House without being recommitted and having incorporated in it the provisions contained in the bill of the gentleman from Montana.

Mr. STOCKDALE (to Mr. WHEELER, of Alabama). Can you not make that motion?

Mr. WHEELER, of Alabama. No, sir; the previous question is ordered, cutting off everything. This is a robbery of the people; and robbers never keep open any question by which their booty can be taken from them.

THE BILL UNCONSTITUTIONAL.

There is another question in connection with this bill. The bill on its face is a violation of the Constitution. In all the early grants provision was made for granting 120 sections of land per mile to every railroad in *presenti* to enable the railroad to run its preliminary surveys and incur the necessary expenses before laying the track.

This bill seeks to forfeit those lands; and if it passes in its present form the effect must be that it will be a nullity and will still further postpone the restoration of the lands which belong to the people to their rightful owners. I have decisions here from the Supreme Court of the United States—in the Courtwright case, in 21 Wallace, and other cases—which decide positively, emphatically, and without question that these grants are gifts in *presenti* and that they can not be forfeited. Some of these lands were patented to the States thirty years ago; and to attempt to forfeit them now is simply an effort to take back and restore to the public domain lands which were granted years ago and earned in the manner the court say they were intended to be earned. I will read very briefly from one of those decisions.

Mr. HOOKER. Are you now speaking of the grant to the State of Alabama?

Mr. WHEELER, of Alabama. No, sir; I am speaking generally of grants of this character. I am speaking of land grants located in many Southern and in many of the new States.

The bill in question has very little effect upon lands in Alabama, but so far as it does affect Alabama lands I am emphatically in favor of their forfeiture. I am in favor of the immediate forfeiture of every acre of granted land which has not been earned as required by the grant. I am in favor of the forfeiture of the Alabama lands so that they can be entered and occupied by the people.

In the Courtwright case the court says:

It was the evident intention of Congress to furnish aid for such preliminary work as would be required before the construction of any part of the road.

The courts have decided that the first 120 sections granted for the purpose of preliminary surveys and laying out lines if acquired in that manner are just as effectively earned as that portion of the land lying parallel to a completed road. But the bill which gentlemen propose to pass to-day says that all lands which lie parallel to lines laid out where the road is not completed and in running order shall be forfeited. Now here are lands granted unconditionally to States and claimed to have been earned by corporations acting under authority of said States, and you seek to forfeit them, while you do not seek to forfeit lands that have never been earned. The bill attempts to do that which it has no right to do, and it fails to do that which ought to be done, and "there is no health in it."

My contention is that the bill should require the Government to bring a suit against the grantees in cases of this character so that the court can declare a judicial forfeiture and thus save the settlers who have purchased homes on such lands from annoyance, loss of time, and, in some cases, absolute ruin by being thrown into litigation with wealthy corporations.

IMPORTANT PROVISION OMITTED.

Now, Mr. Speaker, I want to say one word regarding the mineral lands, because since this argument commenced in the Senate two weeks ago letters and resolutions have been sent to this body calling upon Congress to insert in this bill the proviso suggested by the gentleman from Montana [Mr. CARTER], the purpose of the proviso being to save the mineral interests from going into the hands of the Northern Pacific Railroad corporation. I will read one sentence from the decision of Judge Sawyer, a decision which has created all the trouble out there. He says:

By the words "mineral lands" must be understood lands known to be such at the time the grant was made.

Now, when this grant was made this area of 40,000,000 acres was a wilderness. No one knew what there was there; there was not a white man in that region; and the grant was made to this railroad

company under their pledge to explore that country, to build a railroad, and induce settlement. They neglected their contract; they did not build the road; they waited for years until our sturdy frontiersmen went in advance of them, settled up the country and made it valuable. And then when the time came that freight and passenger traffic would make a road profitable, this company commenced the construction of a line beyond Bismarck.

Their first appeal was that they should be allowed to retain the land on the line of road from Lake Superior to Bismarck, which it was insisted, and insisted by the gentleman from Illinois, was liable to forfeiture, even though they had built that part of the road prior to the expiration of the grant. But they came to Congress; they became bolder, and finally they had the effrontery to ask that this land which lies parallel to that portion of the road which was never touched until after the country had been settled and the limitation of the grant expired, and which therefore never was earned, should be given to them. And now, to the surprise of the people of the West, to the surprise of the country, to the surprise of members of Congress who believe in right and fair dealing, this bill proposes to give to that company this empire which ten years ago they had not the effrontery to ask for.

This brings me to a matter to which I may as well now make some allusion.

CORPORATIONS CONTROL LEGISLATION.

I want to illustrate what I have spoken of heretofore—the subtle power of corporate wealth, how it enters our committee-rooms, permeates our lobbies, and as members of this body even comes into the Halls of Congress. Men whom we justly regard as above reproach in every walk of life, men who have the utmost integrity of purpose, men who start out determined to fight the battles of the people, are finally, by some strange mesmeric influence, brought under the power of the agents of corporate wealth.

It is alarming to see the influence corporations are acquiring over men whose rectitude of character and honesty of intention none of us would doubt. Take, for instance, two very distinguished gentlemen who happen to be before me. The able Speaker, Mr. REED, who is now presiding, and the hardly less eminent statesman who has charge of the bill now before the House [Mr. PAYSON]. Would any one for a moment question the exalted aim, the devotion to duty, the integrity of purpose of these very eminent gentlemen, who by their ability have earned a high place in the political history of the last decennium?

I will briefly review some of the circumstances connected with our efforts to restore these lands to the people, and I think it will give strong indications that while the distinguished gentleman from Maine, who now presides over this body, became enamored of corporations very early in his career, that the gentleman from Illinois battled successfully against their influence until some two years ago, when he, like many other good statesmen, succumbed, and since that time, as is often the case with converts to new friends and new methods, he has out-Heroded some of those who have been for very long periods willing dwellers among that character of business organizations which the law books say are without souls.

In the Forty-seventh Congress the first effort was made to forfeit these lands of the Northern Pacific Railroad Company. The bill was referred to the Committee on the Judiciary, and it was reported back to this House by a gentleman of no less distinction than the present Speaker of this House; and there was presented also a minority report by the distinguished gentleman from Illinois [Mr. PAYSON]. In his report that gentleman, with the power which he possesses in such an eminent degree, maintained the positions he assumed, sustaining himself with opinions of the law officers of the Interior Department and by decisions of our courts. He clearly proved that every acre of land held by the Northern Pacific Railroad Company was subject to forfeiture and belonged to the people.

In that Congress, in the Forty-eighth Congress, and in the Forty-ninth Congress, that gentleman pledged himself over and over again to stand by the weak and lowly of our land and defend them from the grasp, the inordinate grasp, of this the most powerful corporation now existing on this earth. I will read a few extracts from his speeches, because they come from a man who has given this question the most patient and careful study, and what was said by the gentleman from Illinois in his report in 1882 and in his speeches in 1884 and 1886 is true to-day; indeed it has more truth and more force now than it had at the time it was uttered.

But before I discuss Mr. PAYSON's minority report and refer to the eloquent and able speeches by which he sustained his position that the 40,000,000 acres of land which he now proposes to present to the Northern Pacific belonged to the people, I will ask the attention of the House to the majority report made by Mr. REED. And that the report made may be better understood I will read some paragraphs from the act referred to:

CONDITIONS OF NORTHERN PACIFIC GRANT.

The conditions of the grant to the Northern Pacific Railway are as I will read:

SEC. 8. That each and every grant, right, and privilege herein are so made and given to and accepted by said Northern Pacific Railroad Company upon and subject to the following conditions, namely: That the said company shall commence

the work on said road within two years from the approval of this act by the President, and shall complete not less than 50 miles per year after the second year, and shall construct, equip, furnish, and complete the whole road by the 4th day of July, A. D. 1876.

The road did not comply with these conditions and the land was not earned, the conditions were not fulfilled, and no title or right to the land inured.

Of course, in donating an empire to a corporation upon condition that the company would build a railroad between certain points within a specified time, it would be very natural and proper for Congress in making a contract with the railroad to include provisos for possible and certainly for all probable exigencies.

The conditions contained in section 8 gave the Government no power to interfere in any way in the event of the company's failure to comply with the contract, allow a breach to follow, and cease work on the railroad.

Of course the land would revert to the public domain, but the Government would be without the railroad. To avoid that possibility a further condition was exacted, and an additional right was reserved to the Government. This was expressed in these words:

SEC. 9. That the United States make the several conditioned grants herein, and that the said Northern Pacific Railroad Company accept the same, upon the further condition that if the said company make any breach of the conditions hereof and allow the same to continue for upwards of one year, then, in such case, at any time hereafter, the United States, by its Congress, may do any and all acts and things which may be needful and necessary to insure a speedy completion of the said road.

It is clear beyond question that in case of the failure or default on the part of the railroad to perform any of the conditions mentioned in section 8, the right immediately inured to the Government to declare a forfeiture.

MR. REED'S ADMISSION.

In fact, Mr. REED, who was chairman of the Judiciary Committee of the House in the Forty-seventh Congress, and had charge of all the bills which sought to forfeit unearned lands to railroads, admits this without effort at reservation. He concedes this question in these words:

The legal effect of the sections as quoted above is to make a present grant to the company of the lands in question, subject to the provisions and conditions stated in sections 8 and 9. The sections taken together vest in the company an estate upon condition-subsequent. If section 9 had not been enacted it would be quite clear that the estate of the company would have been determinable at the pleasure of the United States, on the happening of any one of three things: First, a failure to begin the road in two years; second, a failure in any one year to build 50 miles; and, third, a failure in ten years to build, equip, and complete the whole road. To secure this right of forfeiture it was not necessary to mention it in the act. The words "upon condition" were the only words needed. They are as potent as if the words had been added, "and if these conditions are not fulfilled the land shall revert to the United States."

So far very well. He could not have conceded less. Then all, including Mr. REED and the railroad itself, agree that under the provisions of section 8 unless the Northern Pacific had complied with all three of the conditions recited in said section, the railroad has no title to the land, and therefore it reverts to the people and is and should be restored to the public domain, and under the provision of the land laws conveyed to the actual settler.

If the railroad has not complied with its contract and has not earned the land as provided in the contract, it belongs to the people and goes to the homestead settler, who, God bless him, with his dog and gun has braved the frontier dangers and hardships to make himself a home amidst perils of which few men of the East have any knowledge or conception. If the land belongs to such men, no higher crime could be committed than to enact legislation which would take it from them.

The Forty-seventh Congress confided the investigation of this important question to Mr. REED. Instead of making an effort to defend the people, and especially the brave men who were seeking homes in the far West, he appears to have devoted his great capacity to hunting some technical phrase by which he could despoil the Government, the people, and the homesteader, and through such means secure unearned millions of the people's treasure to the Northern Pacific.

His search was fruitless, but his ardor and determination were not lessened. Finding nothing upon which he could base an argument for the railroad, he, with his usual calm composure, proceeds to base and build up an argument for them upon less than nothing.

Immediately following Mr. REED's language, which I have above quoted, the distinguished gentleman says:

But the severity of the words in section 8 Congress had a perfect right to modify. It had a right to say just what should be the effect of a breach of the conditions of the grant. It could rest its reserved rights on the words "upon condition," and then the legal effect would be to retain the right of reverter, or it could claim that right in so many words, as was done in all the railroad grants made to States.

Here are four propositions laid down by Mr. REED. All are sound and correct, and they are denied by no one. But my reply is that Congress has never modified the severity of section 8. It has chosen to rest its reserved rights in the words "on condition," and it has therefore retained unimpaired and undiminished all its rights to reclaim the unearned lands.

ANOTHER ADMISSION BY MR. REED.

But we are spared any contention on this point, as Mr. REED admits that Congress has never modified the severity of section 8. He

says that instead of doing this or either of the four things suggested it did something else.

His language, immediately following the quotation which I have cited above, is in these words:

Instead of either of these things, Congress enacted section 9, limiting and defining the effect of a breach of the conditions named in section 8. By that limitation the sole right which remains in the United States at the present time is the right, "by its Congress, to do any and all acts which may be needful and necessary to insure the speedy completion of the road."

It will be seen that the gentleman from Maine, Mr. REED, here distinctly and without qualification asserts that the language of section 9 nullifies and voids all the rights which are reserved to the Government or to the people in section 8.

Now, remember that Mr. REED not only admits but asserts that section 8 secures to the people 40,000,000 acres of land, worth \$200,000,000, and then he judicially decides that section 9 takes this imperial possession away from them and gives it as a gratuity to the Northern Pacific Railroad.

He says under the provisions and conditions of section 8 the people have a perfect and unquestioned right to recover and repossess themselves of this vast domain; but he also says that the addition of section 9 to the act deprives the people of every right in the premises except the right to start out with their pickaxes, spades, and shovels and build the road themselves, or hire the work to be done by parties other than the beneficiaries under the grant.

In other words, the people contract with the Northern Pacific company to build a railroad which, when completed, is to be the property of the Northern Pacific Company, and in order to induce the building the people agree to give the company a bonus of land worth \$200,000,000.

The company do not build the road, and Mr. REED says that under section 9 the only right left to the people is to build the road themselves and let the railroad retain the \$200,000,000 as a gratuity. His language is:

The sole right which remains to the United States at the present time is the right, "by its Congress, to do any and all acts which may be needful and necessary to insure the speedy completion of the road."

UNSOUND AND ILLOGICAL CONCLUSIONS OF MR. REED.

I insist, Mr. Speaker, that Mr. REED's reasoning in this report is absolutely devoid of legal acumen. I insist further that there never have been so illogical and unwarranted conclusions announced in a paper purporting to come from a judicial body since the world begun. It does not rise to the dignity of ridiculous nonsense.

No respectable lawyer would allow his reputation to suffer the stigma which would attach to asserting such a proposition in a brief.

A New York Tombs shyster would revolt if asked by a client to urge such an absurd doctrine before any character of court.

It would so shock the conscience of any justice of the peace that he would not listen with patience to a lawyer who ventured such an imposition upon and insult to the legal understanding of a justice of the peace.

Mr. Speaker, this legal conclusion of Hon. THOMAS BRACKETT REED as chairman of the Judiciary Committee of the House in the Forty-seventh Congress would reflect discredit upon children.

No mind capable of reasoning power, however immature, could be misled by such a subterfuge.

Congress wishes a railroad built and enacts the law in the nature of a contract giving the road some 47,000,000 acres of land if it will comply with certain conditions.

The road does not comply, and it has no right to the land, and Mr. REED admits this in his report; but Congress in its anxiety to benefit the Government exacted a further condition and reserved a further right, and although the Government never saw fit to exercise this right or exact this further condition, Mr. REED says that this further condition nullifies all the other conditions.

Take an analogous case.

I agree to give you a tract of land upon condition that you build me a house within one year, and I further stipulate or exact another condition, that if you do not complete the house according to contract and within the time specified I shall have the right to do certain things which may be necessary to insure a speedy completion thereof. Would any lawyer say that this further condition nullified the first condition so as to allow you to refuse to build the house and yet retain the land? No lawyer would make any such a ridiculous argument even in a justice's court, and yet this is the argument made by Hon. THOMAS B. REED as chairman of the Judiciary Committee of this House.

RECIPROCITY BETWEEN MR. REED AND NORTHERN PACIFIC.

It does not make any difference whether the charge is true or false that the Speaker had been in the employ of that corporation.

He certainly went very far out of his way and sacrificed his reputation as a lawyer to aid them in getting 40,000,000 acres of land to which they had no right, and which belong, according to all principles of right and justice, to the people.

The Northern Pacific know their friends, and it is stated that but for their potential efforts Hon. WILLIAM MCKINLEY would have been the Speaker of the Fifty-first Congress.

It is stated that but for the exercise of their power Hon. THOMAS B. REED would not have held the high position to which he was elected

when this Congress convened. This was to be expected. It is but natural that corporations who have business before Congress should support men who sustain their interests.

When the land-forfeiture bill passed the House it contained a clause which I will read:

SEC. 7. That nothing in this act shall be construed to waive or release in any way any right of the United States to have any other lands granted by them, as recited in the first section, forfeited for any failure, past or future, to comply with the conditions of the grant.

For a month before the election in Maine there were grave doubts how it would result. The most eminent orators in our country were hurried to that State and during that period the above quoted section was stricken out of the bill while it was in conference. This was of vast importance to the Northern Pacific. The election took place in Maine on September 8.

The papers abound in assertions that money was used very freely, and this charge I have never seen denied. It has also been charged that this money, or at least a portion of it, came from persons who were interested in the Northern Pacific Railroad.

This is natural. The Speaker of this House had been very kind to this corporation, and why should not this corporation reciprocate and be kind to the Speaker?

It will not be fair to Mr. REED to omit any part of the distinguished lawyer's line of reasoning. He follows what I have before quoted with these words:

Of course this still leaves to Congress a wide range of power, but its power is necessarily subordinate to the speedy completion of the road. If Congress deems the forfeiture of the lands needed for the speedy completion of the road, it would have a right so to forfeit the lands. It might give them to another company, sell them, and apply the proceeds, provided it adjudged such a course "needful and necessary to secure the speedy completion of the road."

The purposes and intention of Congress in passing the act of July 2, 1864, appear throughout all the act to be the speedy completion of the road.

MR. REED'S GRATITUDE TO THE NORTHERN PACIFIC.

Now, it will be observed that Mr. REED contends that the sole purpose of adding the further condition which is found in section 9 was to secure the speedy completion of the road, and he says the section gave Congress a wide range of power all with the one controlling view, to a speedy completion of the road; and then, notwithstanding the fact that section 9 gives this vast and apparently unlimited range of power, he informs us that his great and fertile brain, strengthened, stimulated, and supported by the entire brain power of the Judiciary Committee of the House, could conceive of no legislation whatever which would do anything towards attaining that end, namely, "to hasten the completion of the road," his words being:

We can conceive of no legislation which would hasten the completion of the road, and therefore recommend none.

MR. REED POSSIBLY OVERZEALOUS.

In other words, Mr. REED states that under section 8 the right to forfeit the 40,000,000 acres of land was unquestioned, and therefore the right of the people to the land was unquestioned, but that Congress utterly lost and surrendered this right on the part of the people because section 9 gave Congress a vast range of power to do acts to secure an early completion of the road, and yet in all this vast range of power Mr. REED can not conceive of anything on earth that can be done to hasten its completion.

Therefore, Mr. REED's conclusion is that section 9 granted 40,000,000 acres of land to the railroad utterly without consideration. If this were true, the grant would for this reason be null and void.

Hence, admitting for the sake of argument that all this reasoning of Mr. REED's is sound, it winds up by defeating itself and proving a result just the reverse of what Mr. REED intended.

If any one has doubts as to the soundness of the view that a grant of the people's land which is without any consideration is void, their doubts can be dispelled by reading Mr. REED's report on the Texas and Pacific grant which he submitted to Congress less than two months from the date of the report we are considering.

In that case he said:

Congress would never have been justified in offering the lands had it not deemed the offer necessary to secure the road.

MR. PAYSON CRITICISING MR. REED.

On July 27, 1886, the regular order was the consideration of the Northern Pacific land-grant forfeiture, and despite resistance and repeated objections of Mr. REED, of Maine, the House succeeded in taking up this important business. The gentleman from Illinois [Mr. PAYSON] spoke in favor of the bill. In that speech he gives a history of the efforts on the part of Congress to restore this Northern Pacific grant to the public domain. On pages 7602 and 7603 he says:

In the Forty-seventh Congress a bill was introduced to declare a forfeiture of this grant. That bill was referred to the Judiciary Committee of this House, of which the gentleman from Maine [Mr. REED] was then chairman and of which I had the honor to be a member.

By a majority vote of 1, the vote in the committee standing 8 to 7, the Judiciary Committee determined there was no power on the part of Congress to interfere. The report from that committee was made by the gentleman from Maine [Mr. REED], a copy of which I hold in my hand.

I had the honor to prepare the views of the minority on that committee in reference to the same proposition, taking the ground then, as I say now, for reasons I shall personally give, that Congress had the right to declare a forfeiture of this grant.

I read this as a matter of justice to the Judiciary Committee of the Forty-seventh Congress to show that a bare majority gave their sanction to the report which I have taken the liberty to criticize.

But I have not told the worst of this nefarious business.

AN EMPIRE STOLEN FROM THE PEOPLE.

The Northern Pacific Railroad shifted its proposed route three times so as to cover and include within the area of the three locations substantially all the valuable lands of entire States and embracing within its all-powerful grasp an area of land nearly 1,600 miles long and 100 miles wide, an empire more than a hundred times greater than the State of Rhode Island. Yes, Mr. Speaker, to be accurate, this area of land is as large as one hundred and twenty States like Rhode Island placed side by side. A Republican Administration acceded to the demands of the Northern Pacific and allowed this immense territory to be withdrawn from homestead entry, thus depriving of homes hundreds of thousands of honest settlers, and it is worthy of note that no allusion whatever is made to this outrage in the report of the majority of the Judiciary Committee which was prepared and submitted to the House by Mr. REED. But bad as all this appears it is only a small part of the wrongs which have been committed.

The minority report antagonizing Mr. REED was prepared by Mr. PAYSON and signed by seven members of the Judiciary Committee. After reviewing the positions taken by Mr. REED, the report said:

The minority do not agree with these views; we assert that the power to declare an absolute forfeiture of this land grant is in Congress.

The questions are important, involving the title to upwards of 39,900,000 acres of land, estimated by the company to be worth \$2.50 per acre, or \$99,750,000.

The report proceeds to discuss the matter, and quotes the following from section 9 of the bill:

That the United States make the several conditional grants herein, and the said Northern Pacific Railroad Company accept the same upon the further condition, etc.

Mr. PAYSON then discusses the above in the language which I will read:

Is it not absolutely certain, leaving no room for interpretation or the entertainment of any doubt, that to this point in the legislation, by breach of any of the conditions named in section 8, every right of the company, not only to the land grant, but its very franchises as a corporation, were determinable at the option of the Government, expressed by Congressional action? There is no foundation for even conjecture on this point; the language is explicit, and there is no conflict of authority in the text-books or reports as to the right of reverter of all rights granted by the act, upon breach of any condition, if forfeiture should be declared by Congress.

So well established is this proposition that it would appear to be an affectation of learning to cite authorities in support of it.

The distinguished gentleman then proceeds to discuss sections 8 and 9, and says:

There is no inconsistency between the two sections.

For breach of either condition of the eighth section a power to declare forfeiture existed. This power might or might not be exercised, in the discretion of Congress.

A mere delay to assert the right would not interfere with the subsequent exercise of it, nor relieve the grant of its conditional character.

Mr. PAYSON and his seven colleagues, after citing various authorities which sustain their position, said:

We conclude, then, on the legal question of power in Congress (and we are only dealing with the abstract legal question now) that it has the right—

First. To declare the title to all unpatented lands in the grant forfeited, and revert the United States with it, so that it can be restored to the public domain, open to sale and settlement under existing laws, under section 8.

MINERAL-LAND OUTRAGE.

The grants expressly excluded mineral lands, except those containing iron and coal. The proviso was expressed in these words:

Provided further, That all mineral lands be, and the same are hereby, excluded from the operation of this act, and in lieu thereof a like quantity of unoccupied and unappropriated agricultural lands, in odd-numbered sections, nearest the line of said road may be selected as above provided: And provided further, That the word "mineral," when it occurs in this act, shall not be held to include iron or coal.

The Interior Department, under Mr. Cleveland's Administration, was very emphatic in demanding that these mineral lands should be held and protected for the people, and the present Secretary, in his first report, used similar expressions.

I read from Secretary Noble's report of 1889:

The mineral land should be preserved for our people, and there is no claim on the part of the railroads to obtain these sources of vast wealth not intended for them that should be humored to the least degree beyond the law. This I say in no spirit of hostility to the railroad companies, but from a thorough conviction that the best interests of the Republic would be served by dividing this vast mineral wealth among individuals, rather than by allowing it by any means to fall into possession and control of large corporations. It is not intended to be granted to them, and they should not be allowed to obtain it by default.

Under the proviso which I have read the grant reserved all mineral lands to the United States.

That was plain enough, but now the railroads come into court with their subtle lawyers and secure a decision in a United States circuit court to the effect that any mineral lands, however valuable, which were not known to be mineral at the time the grant was made, are not excluded from the grant.

To appreciate the scope of such a decision we must recall that when this grant was made the domain in question was a wilderness and noth-

ing whatever was known as to the character of the lands referred to in the act granting lands to the railroad.

This decision of course will be construed as the railroad lawyers demand, and the mill only it will take from frontier miners and pour into the treasury of the Northern Pacific can hardly be estimated.

I read from *Francœur vs. Newhouse* in the Federal Reporter, volume 40, page 618, fifth head-note:

EXCEPTION OF MINERAL LANDS.

The exception of mineral lands from the grant to the Central Pacific Railroad Company, only extends to lands known to be mineral, or, apparently mineral, at the time when the grant attached, and a discovery of a gold mine in the lands after the title has vested by full performance of the conditions does not defeat the title.

And on page 621:

The parties to this grant, both the United States and the grantees, must be presumed to have contemplated a grant in view of the condition of the lands as they were known, or appeared to be, at the time the grant took effect. In the exception of "mineral lands" from the grant Congress must have meant not only lands mineral in fact, but lands known to be mineral.

This decision was by Judge Sawyer. The same judge rendered a decision in the case of *Cowell vs. Lammers*, 10 Sawy., 246, which is also found in 21 Fed. Rep., 203, in which he said:

By the words "mineral lands" must be understood lands known to be such, or which there is satisfactory reason to believe are such, at the time of the grant or patent.

The effect of this decision will very possibly be by legal interpretation to grant a large part of the most valuable mines in the Northwest to the Northern Pacific Railroad.

THE POOR MINERS' UNEQUAL CONTEST.

When attention is drawn to this phase of the bill its friends tell us that this decision of Judge Sawyer will not stand the scrutiny of the Supreme Court, but is it not most probable that this decision will never reach that tribunal? It is a case of poor miners contending with a gigantic corporation, and the miners are too poor to appeal.

These gentlemen must therefore say something more to excuse themselves. What do they say? They tell us to let it go now. They say it is true, under this bill and decision, all the mines go to the railroad, but we will remedy that by other bills which we have introduced specially to prevent mineral lands being included in land grants. In other words, we will let the railroad have the mines under this bill, and then we will endeavor to pass other bills to get the mines and mineral lands back again and restore them to the people.

This reminds me of a piece of poetry I will borrow of my friend, the gentleman from Virginia [Mr. WILSON]:

I hear a lion in the lobby roar;
Say, Mr. Speaker, shall we shut the door
And keep him there, or shall we let him in
To try if we can turn him out again?

But this subterfuge, absurd and ridiculous on its face, is already exposed and denounced by the miners and settlers as a miserable, false pretense, and they tell us that the bills referred to would be ineffectual to give them the necessary relief even if they should be enacted into law.

The only effect of such bills, even if they became laws, would be to still further entangle poor settlers and miners in litigation with autocratic corporations. But I do not think the bills will ever be enacted into law. I hold in my hand the bill which it is claimed will remedy this great evil. It was introduced by the gentleman from Montana [Mr. CARTER] on April 17, 1890.

It was referred to the Committee on Public Lands, over which the gentleman from Illinois [Mr. PAYSON] so ably presides, and in that committee it has slept, and while it is sleeping soundly upstairs in the committee-room the distinguished chairman of the committee [Mr. PAYSON] is trying to force the pending and objectionable measure through the House. I once heard of a doctor who made it a practice to make his well neighbors sick by administering drugs so that he could have the pleasure of giving them physic and restoring them to health. Mr. PAYSON appears to be in a great hurry to make the poor miners and frontier settlers in far-off Montana very sick, but his neglect of Mr. CARTER's bill indicates that he intends to let this Congress adjourn without taking the first step to prepare medicine to restore them to health.

THE MINERS' APPEAL FOR JUSTICE.

These miners and other citizens of Montana have filed numerous affidavits in the General Land Office showing that much of the land selected by the company is now known to be mineral in character, and that on some of the sections claimed under the grant mines of great value are being worked with marked success and satisfactory profits.

Over two thousand citizens of Montana have signed a memorial setting forth their views and praying for relief, as follows:

To his Excellency the President of the United States and to the Senators and Representatives in Congress assembled:

Your petitioners most respectfully submit:
That they are all citizens of the United States, or have declared their intention to become such, and are all residents of Montana.
That they are all interested in the protection and development of its mineral resources.

That the Northern Pacific Railroad Company claims nearly all the odd-numbered sections of the surveyed portion of the mineral lands of Montana, bear-

ing gold, silver, lead, or copper, and has already caused the same to be certified to itself for patent by the United States land officers in Montana.

That said certification has been based upon certain plats made by the deputy United States surveyors, and now on file in the respective United States land offices in Montana, showing these lands so certified to be non-mineral in their character; which said plats are erroneous in that they designate large quantities of mineral land as agricultural, mountainous, and mountainous timber land.

That under the present acts of Congress and the various decisions of the Supreme Court of the United States construing such acts there is little if any hope of correcting the existing errors and of preventing said railroad company from acquiring title to these lands.

That only within a few years has quartz mining proved to be a paying industry in Montana, and therefore the lands bearing the precious metals are to a large extent undeveloped.

That millions of dollars are now invested and being invested in the development of such resources, the benefit of which will inure to the said railroad company, if it is permitted to acquire title to the lands already certified to, and to which it is not entitled.

That unless relief is granted said railroad company will soon acquire the absolute title to nearly one-half of the mineral land of Montana.

That the acquisition of title to these lands by the said railroad company would not only work irreparable injury to the industries of Montana, and materially retard its progress, but would deprive all citizens of the United States of the right given them by the statutes to locate and appropriate our mineral lands, and would create one of the most colossal monopolies that has ever existed.

Now, therefore, we most respectfully and earnestly pray that such legislation be had as will preserve the mineral lands of Montana, bearing the precious metals, to the citizens of the United States, and prevent the Northern Pacific Railroad Company from acquiring any lands to which it is not clearly entitled under its grant.

The affidavits referred to have been in the files of the Interior Department for months and the above petition has been before Congress for many weeks, but they are as unheeded as the barking of as many wolves. The Committee on Public Lands has given Congress no information regarding it.

I desire also to call attention to an article in the *Helena Mining Review*, a paper published in the State of Montana:

Last week we asserted that the people of Montana were in great danger of losing the mineral lands embraced in the odd sections within the limits of the grant of lands to the Northern Pacific Railroad Company. The danger lies in the fact that the United States circuit court for this circuit has practically decided that all lands not readily ascertainable as being mineral at the date of the grant, or the date of its acceptance, must be classed as non-mineral, and that neither our Senators nor Representative in Congress have so far effected any legislation, or tried to effect any necessary legislation, such as recommended by the Secretary of the Interior and by our people, to prevent such lands being patented by that company.

Mr. Speaker, should not such statements as this admonish us to take some steps to protect these people from the dangers that environ them?

The mineral character of the land referred to in the petition as within the limits of the grant claimed by the Northern Pacific is described by the gentleman from Montana, Mr. CARTER, in these words:

It appears that the Northern Pacific road was located and constructed in Montana and Idaho through one of the richest, if not the richest, of all the mineral-bearing countries in the world. Mines bearing gold, silver, copper, and lead are being discovered and developed constantly within the limits of the grant, and experience has demonstrated that the whole system of mountain ranges, extending from about the one hundred and seventh meridian westward a distance of some 600 miles, is interlaced by a vast network of mineral-bearing veins of quartz, while many of the valleys are rich with gold in placer deposits.

I also have a statement by Mr. Thomas G. Merrill, secretary of the Mineral Land Association, from which I read:

The main line of the Northern Pacific Railroad runs 800 miles through the State of Montana, and for one-half of this distance it runs through a mountainous district mostly valuable for the gold, silver, and copper found therein. The granting act gave this company 40 square miles of land to each mile of road, reserving the mineral lands. Of this 10,240,000 acres of land in the mountains there are about 550,000 acres that is valley land that might be termed agricultural land, leaving about 9,690,000 acres of mountainous mineral lands in Montana claimed by this railroad company.

There are no coal or iron lands properly so called in the range of the Rocky Mountains. These lands do not include their indemnity land. All the most productive mining districts of Montana are within the limits of the Northern Pacific grant, and it is within and around these districts where most of the surveys of public lands have been made.

Of these mineral lands claimed by this company there have been about 2,500,000 acres surveyed, and of these surveyed lands about 2,500,000 acres have been selected by this company for patent.

Here we have the undeniable statement that the Northern Pacific Railroad is claiming 2,500,000 acres of land, and yet the Committee on Public Lands complacently tells us that they will pass this bill, which, in connection with the Sawyer decision, is a virtual regrant of all these lands to the Northern Pacific Railroad. And then they tell us they will in the future, at their leisure, attempt to pass some bill for the purpose of recovering these lands for the people.

Mr. Merrill further informs us that the selections made by the Northern Pacific—

Cover about four thousand discovered mining properties bearing gold, silver, or copper, mostly quartz lodes, that are as yet unpatented, and nearly one thousand patented mines, which would be taken from their rightful owners and become the property of this company unless Congress interferes.

I also beg to read a paragraph from the report of the Hon. John W. Noble, Secretary of the Interior:

This question presents itself in regard to the mineral lands lying within the grant of the railroads running through mineral belts, and which would, otherwise than because of their mineral character be included within the railroad grants. The acts of Congress absolutely and unqualifiedly reserve all mineral lands from the railroad grants made to the most extended and important railroads in our country, and this reservation affects the claim of such a road as the Northern Pacific to a great part of its land subsidy.

It also affects to a very considerable degree the Central Pacific and Southern Pacific roads with some others; and how to determine what are mineral lands at this time, when the roads are claiming their grants, is indeed a most difficult and important matter. Originally it was left to the company to make affidavit in a form adopted by my predecessors, and by them deemed sufficient for a long while, but by which it was not made necessary for the officer taking the oath to swear to his actual knowledge that the land was not mineral.

Many of the selections made by the railroads under their grants were supported by such affidavits, but upon the same coming before the Commissioner of the General Land Office he demanded that a further affidavit should be made, the same as required from settlers on homestead claims, whereby actual knowledge of the fact that the same was not mineral land was required to be sworn to. This the railroad companies have failed to do, insisting that their claims, made under the regulations at the time existing, are valid and should be allowed.

This question is not determined, but it is deemed a matter to which your attention should be invited for the purpose of having, if necessary, some further legislation on the subject. On the one hand it is to be noted that the additional affidavit has been required since the selections were claimed; on the other, stands the absolute reservation of the law and the right of the people to enjoy these mineral lands, if such indeed there be among the selections made by the railroads. If legislation is not made on this subject the Department will have to decide by such light as may be obtained as to the real nature of the lands, whether mineral or not, however difficult it may be, and whatever the responsibility assumed. It is, however, deemed that a law should be passed by Congress enabling the Land Department to thoroughly investigate the character of lands supposed to be mineral and within the reservation of the law before the railroad is entitled to any cession whatever.

It would require a considerable appropriation for the purpose of investigation and survey; and, connected with this, authority should be given to the Secretary of the Interior to refuse to certify lands to the railroads until there was clear proof that the same were not mineral. The question is most important. It is far-reaching in its results and may affect the welfare and independence of many of our citizens. It would not be unreasonable to direct that the patents issued should themselves contain a reservation of any land therein described if it proved upon further development to be actually mineral land.

That the bill we are considering, construed with the Sawyer decision, would give the mines and mining lands to the railroad there can be no doubt.

Now read this conference report, made out since Judge Sawyer's opinion was published, and let me ask if there will not come a wail from the Northwest. There most certainly will, as under the Sawyer decision substantially every frontier miner is robbed of his property. Why, Mr. Speaker, this conference report is framed precisely so as to fit Judge Sawyer's decision like a glove, and has a stop-cock attachment which in effect prohibits Congress from future legislation looking to the forfeiture of any of those lands, no matter how frail or fraudulent the title.

But the fearful wrongs inflicted by this bill are not confined to the miners. The homestead farmers of the Northwest will also be sufferers. I have a letter written during this month by a homestead settler which shows that the alarm has already been sounded in far-off California. It explains itself. I will read it:

PARKFIELD, MONTEREY COUNTY, CALIFORNIA, September 2, 1890.

DEAR BROTHER: I expect the "forfeiture bill" has passed ere this. I will write a statement of the case as far as it concerns us, and if the bill has not passed you can give it to Senator PLUM, if you think best, though I presume he understands the matter.

I have got a patent for my homestead claim, with President Harrison's signature attached. Brother George has not received his yet, though he proved up several months before I did. He ought to get it before long.

We are within the indemnity belt granted to the Southern Pacific Railroad to aid in building the road from Goshen to Hollister. The company built the road from Goshen to Huron, and east from Hollister to Tres Pinos, and two years ago built 20 miles of road west from Huron to Alameda. A range of mountains separates Alameda from Tres Pinos. This indemnity land was opened for settlement five years ago, and as it is good land was quickly taken by settlers, most of whom have made final proof on their claims, and a great many have got patents for their land.

It will be remembered that these lands were opened for settlement under Commissioner Sparks's decision.

Now the railroad company comes in and claims this land, and if the forfeiture bill becomes a law as it passed the House of Representatives the company will get it. We claim that any forfeiture bill should forfeit the land opposite the 20 miles built two years ago, long after the land was settled on and improved by settlers. If this is not done, Congress ought to pass a bill to protect innocent settlers from the railroad company, as the company will be likely to charge the settlers all the land is worth, and more than most of them can pay.

It is not the fault of the settlers that they now find themselves about to lose the land, and the Government ought, in justice, to protect them from the railroad company.

This railroad is of no benefit to us, as there is a range of mountains between us and it, and to get to the road we would be obliged to travel 90 miles over high mountains and rough roads.

Yours truly,

R. S. CRANE.

J. H. CRANE, Esq., Washington, D. C.

THE SOMERSAULT OF THE GENTLEMAN FROM ILLINOIS.

Just think of it! The same man who in 1882, 1884, and 1886 voluntarily became the champion of the people and then proclaimed eternal warfare against the thieving Northern Pacific Railroad, which he denounced on this floor as a "briber and a thief," and every man who hesitated about going to the fullest length of forfeiture as a railroad lawyer—where is he now? He has gone, horse, foot, and dragons, to the camp of the enemies of the people.

Mr. Speaker, four years ago you and the gentleman from Illinois [Mr. PAYSON] were as far apart as the east is from the west, and now you bivouac together and sleep upon the same blanket, and a right narrow one at that.

On June 6, 1882, when you made your famous report, which said the unholy hands of the people could not touch the stolen empire of the

sacred Northern Pacific, where was the gentleman from Illinois? He was then the champion of the people. He met you with drawn sword, and commanded you to desist in your efforts to confirm this vast empire of territory to the Northern Pacific. He proclaimed in tones of thunder that these lands, estimated at over \$200,000,000, belonged to the people, and he demanded that they be restored to their rightful owners.

Where is the gentleman from Illinois now? When you were elected Speaker you put the key of the vault where this treasure of the people is kept into his hands. Has he been faithful to the people? No, Mr. Speaker, the treasures which, on July 24, 1882, he said belonged to the people, and on April 4, 1884, almost swore that the legal right was with the people, he is now surrendering to the enemy. He has become a leader of the hosts which are arrayed against the very people whose rights six years ago he pledged himself so sacredly to defend.

To show Mr. PAYSON's position on this subject two sessions ago, I read from the CONGRESSIONAL RECORD, Forty-eighth Congress, first session:

Mr. HERR. Now, do I understand the gentleman's position to be this: If a company goes on and completes a certain portion of its road in good faith under the terms of its contract, and is allowed to have lands patented as certain portions of the road are completed, it may go on and build perhaps 120 miles in that way, and then, because the company does not build the rest of the road within the time, the Government has an equitable and moral right to declare the entire land forfeited and take away from the company what it has earned?

Mr. PAYSON. When the gentleman asks what we have a "moral right" to do, that is a question which every member will settle for himself. If he asks whether we have a legal right to do it, I say unhesitatingly yes; and I have never heard any lawyer, except some attorney for a railroad company, who ever denied the proposition.

It will be here observed that on April 4, 1884, Mr. PAYSON unhesitatingly asserted that Congress had a legal right to declare a forfeiture of every particle of the 47,000,000 acres of land embraced in the grant to the Northern Pacific. He was not satisfied to simply assert the proposition, but he added that he unhesitatingly made the assertion, and he also asserted that he never heard any lawyer, except some attorney for a railroad company, who ever denied the proposition. These emphatic declarations were made during the discussion of the bill forfeiting a grant to the Oregon Central.

As further evidence of Mr. PAYSON's correct views a few years ago, I read from CONGRESSIONAL RECORD, volume 81, Forty-ninth Congress, page 7602.

Mr. PAYSON says:

I have said, Mr. Speaker, that I am in favor of the House bill and opposed to that of the Senate; and having given the facts as I understand them I reach the point to state the reasons. Involved in this case, as in every other of like character, are two questions: First, the question of power; second, the question of policy: that is to say, first, whether we have the legal right or authority under the law to declare a forfeiture of these lands; secondly, if the first point should be established affirmatively, whether as a matter of policy, as a matter of fair dealing under all the circumstances of the case, the power that Congress has ought to be exercised.

After a most elaborate discussion of the legal points involved he, with great emphasis, declares that Congress has unquestioned power to forfeit the lands. I read the following from the same speech:

We conclude, then, on the legal question of power in Congress (and we are only dealing with the abstract legal question now) that it has the right, first, to declare the title to all unpatented lands in the grant forfeited, and revert the United States with it, so that it can be restored to the public domain open to sale and settlement under existing laws.

And a little later on, in the same speech, he said—I read from page 7609:

Let me put it in another way: It is admitted that they have not built the Cascade Branch, even now. And that they have not built the road from Wallula to Portland, 214 miles, and have practically abandoned that part of the route.

Now, sir, for this non-user of the franchise have we not the legal right to forfeit it, now and here? Unquestionably; and if so, have we not the right to the incident—the land grant?

I am only now discussing the question of power, of strict legal right.

Gentlemen say "the law abhors a forfeiture," and this is a frequent text in this case. If it were so the law would be very like the gentlemen who quote the maxim.

But it is not so; the law is the reverse, as expressly decided in the Farnsworth case (92 United States). There the court says that while forfeiture is not favored as between individuals where compensation can be made, yet in case of public grants like this the courts can not and ought not to relieve, and that the maxim quoted does not apply.

We had the power to assert this forfeiture in 1870, and the authorities I have cited show that we have it now as a legal right beyond all question. Should it be exercised? That is a question of policy, and to that I now address myself.

We have seen that the distinguished gentleman here settled the question of legal right emphatically in favor of the Government.

He then, in his forcible way, addressed himself to the question of policy. I read from the same volume of CONGRESSIONAL RECORD, pages 7611 and 7612:

I have shown, sir, that under the law we have the power, the legal right, to assert this forfeiture.

I said also that if this land belongs to the people nothing should constrain us to yield it to the company except the strongest equitable consideration—equities which are equal to legal obligations.

With confidence I submit that with what the House bill proposes, the liberality of its provisions in what it permits the company to retain, the facts in the history of the building of the road, and the action of the company toward the people—monopolistic, exacting, and unyielding always—I earnestly insist that to make this additional donation of one hundred millions of property would be an act of stupendous folly.

But I can not close in justice to myself without noticing the closing remarks of the gentleman from Wisconsin, which I see he permits to remain in the RECORD, that these efforts on the part of the Committee on Public Lands to restore these lands to the public domain "are the sheerest demagoguery and of the cheapest class."

This kind of talk is not new to us. We have had a good deal of it, sir, first and last since this work began. Not only so, sir, but predictions have been freely indulged in by gentlemen who think and act as my neighbor, the gentleman from Wisconsin (Mr. Price), who thinks that nothing ever could or would come of it, that no lands would ever be restored to the Government by this movement, and that it would all end in empty talk.

Mr. Speaker, it is a matter of pride to me that I have been connected in my way and to the best of my ability with these efforts to reclaim these vast areas of land from those technically holding them, but without right or equity. I was among the first in the matter, and am in the matter still, and expect to remain there.

But there is another point to which I must refer. During Mr. PAYSON's great speech of 1884 it was suggested that the entire forfeiture of the Northern Pacific grant might result in a great hardship, and they contended that the railroad ought in equity to be permitted to retain lands lying parallel to that portion of the road which was completed and in running order before the date upon which the grant expired.

In reply to these gentlemen, Mr. PAYSON said:

But unless there is some restriction in the act on the extent of the forfeiture where it is exercised, it extends to the whole estate granted.

I undertake to say, Mr. Speaker, without any assumption or any affectation of learning with reference to this question, that gentlemen who oppose this bill can not find a single case that equities in the direction of affirming that where there is no limitation upon the extent of forfeiture in the act of Congress or the Legislature making the grant, the power does not extend to the entire thing granted.

This could mean nothing less than an emphatic declaration that the failure upon the part of the railroad to complete the entire line prior to the expiration of the grant worked a complete forfeiture of the entire grant from Lake Superior to Puget Sound.

Mr. PAYSON's attention was also called to the fact that some of these granted lands had been sold; that the railroad had made valuable improvements on other portions of the grant, and that the entire body had been encumbered with a mortgage, and that the mortgage land bonds had been sold broadcast.

In reply to these suggestions Mr. PAYSON said:

No matter into whose hands it may go, no matter what improvements may be put upon it, no matter how many mortgages may be given, the common-law right to declare an absolute forfeiture attaches in such a case.

Gentlemen on the other side were pleased to ask the question, as though it were an important factor in the calculation, has not a mortgage been given on this railroad? We answered yes; and gentlemen sat back as though that ended the matter. I call the attention of these gentlemen who have these scruples to the case of Farnsworth vs. The Minnesota and Pacific Railroad Company (92 United States), where it was expressly decided that the holder of mortgage securities upon a land grant to which a condition subsequent was attached, so that possibly a declaration of forfeiture might be made, took the same subject to that liability. The court says (page 66):

"The beneficiaries under that instrument [the mortgage] took whatever security it afforded in subordination to the right of the State to enforce the forfeiture."

It is not necessary to quote any further from these able speeches of the gentleman from Illinois, but these happen to be before an expression in reply to an inquiry from Mr. OATES, which I will read. It will be observed that he seemed to chafe at the laggardness of Congress with regard to the Northern Pacific forfeiture. Mr. PAYSON said:

I agree with the gentleman from Alabama (Mr. OATES) that this is really a pioneer case for all of these land grants which have been unearned by the railroads to whom they have been given, and I desire that the House shall make a record upon it here and now, as speedily as the roll can be called, to show whether or not the demand on the part of the people of this country that their public lands shall remain a part of the property of this great nation shall be fairly and squarely met. I believe it is their wish that these lands should be reserved on the part of the Government for the benefit of those who are homeless, for the horny-handed men of toil who are sweating day by day for a very existence. It is for us to say whether we shall take care of the trust confided to us and keep it out of the hands of a railroad corporation that has neither justice, law, nor equity in support of its claim.

Representing the whole people of this land as a member for the whole country as well as for the district in which I live, I should regard myself recreant to my duty if I did not protest against a donation, a free gift of this great area to a corporation which had, instead of attempting to carry out the wishes of Congress, conspicuously succeeded in defeating it. My duty I regard as done to the House. I have attempted, and I venture the hope that I have succeeded in doing so, to demonstrate that this corporation had no legal claim to any portion of this grant, for no one has yet given any authority except his own statement as against the array of citations in the report.

With the vote soon to be taken which shall determine the question whether the people shall suffer and this defaulting company be the gainer, the country must of necessity acquiesce; but I do not believe that the people whose representatives we are will be satisfied with less than a restoration to them of that which is their own.

I am anxious that this record should be made, and plead guilty to a consuming curiosity to know how many men on this floor will dare the condemnation of this country by condoning what this company has done. What the country wants is acts, and not words; it wants results, and not promises, and I do not propose to delay it any longer.

Would it have been possible for a man to more thoroughly array himself upon the side of the people? Would it have been possible for a man to have been more emphatic in denunciation of those who hesitated in their duty in this matter? Not trusting to his own opinion, he fortifies the positions he assumes with decisions of our highest courts and the opinions of our most eminent jurists; and yet this distinguished Congressman is to-day side by side with the men he was so recently denouncing with bitter invectives.

BLASTED HOPES AND EXPECTATIONS.

This is the same Mr. PAYSON who, in July, 1886, proclaimed and swore that he was among the first in the matter, was in the matter still, and that he expected to remain there. His exact language was, as I will read:

Mr. Speaker, it is a matter of pride to me that I have been connected in my way and to the best of my ability with these efforts to reclaim these vast areas of land from those technically holding them, but without right or equity. I was among the first in the matter, and am in the matter still, and expect to remain there.

Where is this man? Why, Mr. Speaker, he is at the head and front of the hosts—if it were not unparliamentary and were it not for the respect I have for, and confidence in, the gentleman's integrity, I would say—of the banditti who are lugging off the property of the people.

He says he expected to remain on the side of the people, but his expectations are not realized, and so far from remaining with the people he is the captain-general of their worst enemies.

Not only does the gentleman from Illinois lead in this despoliation of the people's domain, but as I have before shown, he erects what he seems to regard as a bulwark and barricade to prevent pursuit of the thieves and prevent the recovery of the stolen booty. In all forfeiture bills heretofore we have incorporated a provision to the effect that the forfeiture act should not be construed as a bar to the forfeiture of other lands not included in the act.

A provision of that character was in the forfeiture bill as it passed both the Senate and House.

It was in these words:

SEC. 7. That nothing in this act shall be construed to waive or release in any way any right of the United States to have any other lands granted by them, as recited in the first section, forfeited for any failure, past or future, to comply with the conditions of the grant.

For some reason, which some of these subtle lawyers can explain, this clause, all-important to the people, was left out of the conference report.

FORTY MILLION ACRES CONFIRMED TO NORTHERN PACIFIC.

I would like again to ask the distinguished gentleman from Illinois [Mr. PAYSON] how he can explain to this House his failure to retain this important section. He has not explained this matter at all to the satisfaction of the friends of the people who are opposing this bill. Let me ask him why he comes back from the committee of conference with this section omitted and not one word of explanation in his report.

Only two short months ago he seemed to fully appreciate its importance. During his speech, on July 7, 1890, when this bill was before the House, the following colloquy took place—I read from the RECORD, July 7, 1890, page 7525:

Mr. HEARD. Now the other inquiry—as to whether it will have the effect of confirming any title in a railroad to such lands where the road was finished out of time.

Mr. PAYSON. Now, I am coming to the inquiry of my friend as to whether it will have the effect of confirming any title, or whether it shall prevent Congress from acting hereafter if it desired. That is covered by the seventh section, which I will read.

"That nothing in this act shall be construed to waive or release in any way any right of the United States to have any other lands granted by them, as recited in the first section, forfeited for any failure, past or future, to comply with the conditions of the grant."

That is reserving the right on the part of Congress to do anything it may choose hereafter in any other form it pleases with reference to this very character of land.

Mr. HEARD. That is satisfactory, Mr. Chairman.

It will be observed that Mr. PAYSON regarded that section as the only authority left to enable the people and the Government to recover other lands than those included in the bill.

This was an important matter then and is quite, yes, even more, important now; and yet the gentleman from Illinois has allowed it to be stricken from the bill, thus admitting that lands not included in the bill are forever and irrevocably surrendered to the railroads.

The gentleman from Missouri [Mr. HEARD] thought the bill "satisfactory" with that clause. I beg to inquire if he can vote for the bill with the clause omitted.

MESMERIC INFLUENCE OF CORPORATE WEALTH.

In my opinion the effect of that striking out would be construed by a court as an expression upon the part of the law-making power of a legislative determination that this forfeiture should be regarded as the final action on the part of the Government.

What subtle, what mesmeric influence has wrought this change, what magic power has seized upon the valiant leader who so recently was followed with such pride and confidence? He who two Congresses ago with conspicuous heroism led in the great battle cry for "the people," he who, discarding party lines, regardless of party associations, struck blow after blow in the cause of right and in the defense of the weak and lowly against the greed and tyranny of heartless corporations.

Where is he who, as a chosen leader, demanded that Congress should rise in its might and extend its protecting arm over this priceless heritage of the people; he who for four long years declaimed in this Hall against this unprecedented despoliation of the most valued and choicest of our domain; he who met the gentleman from Maine, Mr. REED, in the committee-room and upon this floor when the first gun was fired

in this great battle nearly ten years ago in the Forty-seventh Congress?

FIELD-MARSHAL REED AND CAPTAIN-GENERAL PAYSON.

I can see them now, those gladiators, those giants in both frame and intellect, when in June, 1882, each was leading his army to the strife of bloody battle.

It was a grand picture.

His royal highness, the distinguished field-marshal, THOMAS B. REED, the supreme commander of the Northern Pacific forces, bravely leading his well equipped and thoroughly organized army; its commissariat well stored; its quartermaster's department intact, and a pay bureau so inexhaustible as to boast comparison with the Treasury of the United States.

But look at the undaunted hero who crosses swords with the giant general from Maine. It is the distinguished generalissimo of the forces of the people, Captain-General LEWIS E. PAYSON, of Illinois. His heroic and determined bearing compensates for the disadvantage of his smaller army and fewer battalions, all poorly equipped, badly organized, undisciplined it is true, but superbly brave, and led by a gallant and able commander and inspired by his determination and courage.

Then, too, it was the cause of right and humanity on their side, and the enemies of humanity and right on the other side.

With Fabian generalship he held the enemy at bay, awaiting reinforcements which would certainly be en route in the early days of November.

Though the battles of the summer campaign of 1882 were not decisive, well-earned plaudits were showered upon the head of the volunteer defender of right and justice.

This man who enlisted in the cause of the people and who gave to it the patriotism of a Washington, the devotion of a Marco Bozzaris, and the courage of a Marshal Ney, where, oh, where is he to-day? Is it possible he has become discouraged and dismayed? Has he been allured by the pomps and vanities of this wicked world and is he tired of associating with and battling for the poor and lowly, which comprise the great masses of the people? I call upon the gentleman to return to us and join in this our last, our most blessed effort in our grand and holy struggle. Come, come, come; one more united blow and victory will crown our endeavors. It is true, we are to-day in the Valley Forge of the Revolution, but the clouds are breaking away and I see the word Yorktown in the distant horizon.

THE FORMER BELLIGERENTS BURY HATCHETS AND TENDERLY EMBRACE.

But he does not come. Other influences lead him in another direction, and he stands before the country championing a bill which it is claimed gives 40,000,000 acres of the people's land to the Northern Pacific. Of course we must assume that it is now his opinion that the railroad has a legal right to this land; and, if so, it is evident that the gentleman has so changed his views that they are now identical with those of other gentlemen, including the Speaker, who advocate and endorse the proposition, which four years ago Mr. PAYSON said he never heard sanctioned by any lawyer except some attorney of a railroad company. But I will give the exact language of our captain-general in speaking of the right of Congress to forfeit the total grant in case the entire road was not built within the time specified. He said:

We have a legal right to do it. I say unhesitatingly yes, and I have never heard a lawyer, except some attorney for a railroad company, who ever denied the proposition.

I do not say that Mr. PAYSON's changed position makes him an attorney for a railroad; but to those who heard these expressions and witnessed the forensic battle between the field-marshal and the captain-general, and heard the latter gentleman denounce the Northern Pacific as a briber and a thief, it seemed a little odd this morning to see the intense anxiety of the Speaker to recognize the gentleman from Illinois [Mr. PAYSON] so eagerly acceded to and acquiesced in by that gentleman.

Those who were here when the House was called to order witnessed the spectacle of a member standing directly in front of the Chair demanding a hearing for a question of high privilege, only to be answered by the Speaker that—

The Chair desires to recognize the gentleman from Illinois for the presentation of a conference report—

and they then saw the gentleman from Illinois, with childlike obedience, spring to his feet; and this bill was thus forced before the House by the joint efforts of the Speaker and Mr. PAYSON.

The affidavits and petitions of the poor farmers and miners of the frontiers are unheeded and corporate wealth is again triumphant.

I do not mean to imply and really do not believe that either of the gentlemen is in the employ of any railroad company, but the picture had a shade of the appearance of an advocate of corporate wealth presiding over Congress and enjoying the close sympathy of the chairman of the committee of this House which controls the priceless heritage of the people, the vast domain of landed wealth which has cost countless lives, seas of blood, and millions of treasure.

THE SPEAKER'S JUDICIAL BOMBERAULT.

Now, let us read a legal decision of the distinguished Speaker when he comes to consider the interests of a railroad which is located in the milder climate of Texas, a road in which the Northern Pacific had no

interest, but, on the contrary, one which bade fair to become and really did become a formidable rival of that corporation. It was to the interest of the Northern Pacific to crush the Texas Pacific, and Hon. THOMAS B. REED, the chairman of the Judiciary Committee of the House of Representatives, became the appointed agent to cripple and if possible destroy that corporation.

Remember that on June 8, 1882, he made the injudicial, partisan, illogical, and unjust decision in which he insisted that the Northern Pacific had good title to 40,000,000 acres of land which was never earned as required by law, and which, in justice, law, right, and equity, belonged to the people. Having done this for the Northern Pacific, on August 3, 1882, Mr. REED renders a crushing decision against its rival, the Texas and Pacific. It seems the Texas and Pacific being unable to complete the road within the time specified in the grant, that corporation allowed the Southern Pacific, which was building from the west to the east, to occupy, as stated in Mr. REED's report, substantially the route on which the act of March, 1871, contemplated that the Texas and Pacific would build.

Now, remember that the grant to the Texas and Pacific Railroad granted the lands to said road—

its successors and assigns.

Therefore, pursuant to that authority, it assigned its rights on the grant to the Southern Pacific and became consolidated with that corporation.

Mr. REED admits this, and in his report says that the Southern Pacific—

entered into an agreement with the Texas and Pacific, which was not produced before the committee.

It was admitted, however, that the latter company had released its title to the land grant to the Southern Pacific, and that that corporation was now the claimant of the lands.

Now, let us see Mr. REED's argument on this point. He says:

On behalf of the Southern Pacific it is urged that the words used in the ninth section, "and assigns," in the phrase "there is hereby granted to the said Texas and Pacific Railroad Company, its successors and assigns, every alternate section," etc., authorize the latter company to transfer the lands in question in bulk to any other person who would receive it charged with the same trust; that the Southern Pacific, having received the lands at a time when they had completed a railroad which was the same, or nearly the same, in location as that described in the act of March, 1871, received the lands discharged from the trust by reason of its fulfillment. In the opinion of the committee the words "and assigns" do not, in this case, have this meaning. We think these words describe the nature of the estate, are words of limitation, and do not constitute the grantee an agent of the United States to select another corporation which has performed similar work and make it the beneficiary of the grant. Nor do they constitute the grantee an agent to bestow a gratuity.

This is specious enough. It would do tolerably well for a lawyer's brief who had no case and wanted to please his client and earn a fee, but it is not judicial.

It smacks too much of the partisan for a judgment of a court. It looks like straining after a desired result.

Mr. REED having, as he thought, squelched the Northern Pacific's rival on that point and shown to his satisfaction and to the satisfaction of the Northern Pacific's lawyer that the Texas and Pacific road had no right to assign their grant, and that the express words of the act of Congress, namely:

There is hereby granted to the said Texas and Pacific Railroad Company its successors and assigns—

Does not mean anything, or rather means the reverse of what it really says, Mr. REED tackles the next point, namely, the clause in section 4 which authorizes the Texas and Pacific to consolidate, etc. The Speaker here expresses himself in these words:

It is further claimed on behalf of the Southern Pacific that the sections—notably section 4—authorizing consolidations give the authority needed for the transfer. Whether these sections would, under any state of facts, confer such power need not now be determined, for no facts have been laid before us which show any consolidation whereby the Texas and Pacific has absorbed the Southern Pacific. So far as this transaction is concerned the process would seem to have been reversed.

The consolidations contemplated by sections 4, 5, and 6 were those whereby other companies were to become part and parcel of the Texas and Pacific. If the Southern Pacific had become part and parcel of the Texas and Pacific, it could not be the claimant here.

CONCLUSIONS BASED UPON SOPHISTRIES AND TECHNICALITIES.

His entire argument on this point seems to rest on the fact that the consolidated road has been termed the "Southern Pacific" instead of the "Texas Pacific." He appears to concede that if the consolidation had been so worded that it could be said that the latter-named railroad absorbed the former, then in that case the grant would be good and could not be forfeited.

This is certainly technical enough; a skillful play upon words; an art in which the gentleman is a distinguished adept.

Mr. REED has another point to encounter. It is conceded by all that the railroad was built as required by the act, but in the innocence of their hearts a portion of the line was built by a corporation which had a different heading to their letter-heads, but they insist that since they were authorized "to assign" and "to consolidate," and since pursuant to this authority they have assigned and consolidated and built the railroad they ought not to be deprived of the grant upon technical hair-splitting.

I am gratified to be able to state that our distinguished Speaker approached this momentous question with calm composure.

He says:

It is further urged on behalf of the Southern Pacific that, inasmuch as that company have done what the United States offered to give the granted land to the Texas and Pacific if it would do it, equity requires that the land grant should be transferred.

To this, as a request for a gratuity, no objection can be made. That would rest in the sound judgment of Congress. But this request is put upon the ground of a claim founded upon equity and good conscience. The reply seems simple. Congress would never have been justified in offering the lands had it not deemed the offer necessary to secure the road.

The distinguished gentleman here distinctly avers that Congress can not or ought not to consider a claim founded upon equity and good conscience, because—

Congress would never have been justified in offering the lands had it not deemed the offer necessary to secure the road.

Now, Mr. REED gives us clearly to understand that he admits that the claim of the consolidated road is founded on equity and good conscience, that the consolidated road did that for which the United States offered to give the granted land to the Texas and Pacific, that the roads were authorized to consolidate and to assign; and yet on the shallowest and slightest of technical grounds Mr. REED decides that the grant should be forfeited.

He therefore recommends the adoption of the following:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That all lands granted to the Texas Pacific Railroad Company under the act of Congress entitled "An act to incorporate the Texas Pacific Railroad Company and to aid in the construction of its road, and for other purposes," approved March 3, 1871, and acts amendatory thereof or supplemental thereto, be, and they are hereby, declared forfeited, and that the whole of said lands be restored to the public domain and made subject to sale and settlement under existing laws of the United States.

THE BILL SURRENDERS THE RIGHTS OF THE PEOPLE.

The bill submitted with the conference report, which we are called upon to adopt and thus enact into law, embraces new legislation which has never been considered by this House. It should therefore be referred to the Committee of the Whole for consideration under the rules.

An attempt of this character to avoid submitting legislation to the Committee of the Whole by including it in a conference report is in violation of the principles of parliamentary law and is a contortion of the rules of this House.

This bill sought to be enacted into law proposes a declaration of forfeiture only as to certain lands which lie opposite to and are continuous with portions of railroads which are not now constructed.

The lands thus proposed to be forfeited are of but little value and are but a very small proportion of the lands with which it is the duty of Congress to deal.

The bill is a very incomplete and ineffective assertion of the rights of the Government over the lands heretofore granted for the purpose of encouraging the building of railroads and is a disgraceful surrender by the Representatives of the people to the influence of corporate wealth and the almost imperial power which attaches thereto.

That Congress should be so regardless of its obligation to the people ought to invoke the most serious contemplation of all right-thinking men.

There are two kinds of forfeiture: one may be termed legislative and the other judicial; the former by a direct legislative declaration of forfeiture, and the latter by a judgment of a court or a suit commenced and prosecuted by officials of the Department of Justice. In order to illustrate to the House the classes of lands which we have sought to reclaim and which have been embraced in forfeiture bills, I will refer to the Northern Pacific Railroad.

THE NORTHERN PACIFIC GRANT.

On July 2, 1864, Congress enacted a law incorporating the railroad, and authorized it to construct a road, its eastern terminus being on Lake Superior and its western terminus resting on the waters of the Pacific at Puget Sound, with a branch extending down into Oregon, to Portland.

This act and the acts supplementary thereto contained an express provision that the grant was made upon condition and was accepted by the company upon the express condition that the road was to be fully completed and in operation from Lake Superior to Puget Sound by July 4, 1879.

On that date, namely, July 4, 1879, the road was not completed, and the condition upon which the grant land was to vest in the company having failed, of course the conditional grant lapsed or ceased to have force or effect as a grant, and the land in right, law, and equity reverted to the public domain and to the people.

The company had built that portion of the road lying within the more thickly settled portions of the line between Lake Superior and the city of Bismarck.

The railroad company then modestly contended that in equity and good conscience they ought to have the land which lay continuous with that portion of the road which they built prior to July 4, 1879; but they laid no claim to any lands parallel to any portion of the line or proposed line between Bismarck and Puget Sound.

It is clear by the terms of the contract, and the Supreme Court has so decided, that in such a case all right to any part of the land is forfeited.

Granted lands may now be divided into three classes:

First. Those earned before the date fixed for completion of the entire contract.

Second. Those earned after said date.

Third. Those which have never been earned, and which may therefore now be regarded as abandoned.

In the case of the Northern Pacific there can be no question as to the right of declaring a forfeiture of all three classes of the land, but in a spirit of generosity a large majority of Congress are willing to allow the road to retain with undisputed title the land earned in time and designated as the first class.

Those lands never earned, which are designated as the third class, really amount to nothing, and the grantees themselves are quite willing, and in some cases apparently anxious, for them to be forfeited.

The contention, therefore, is confined to a question of forfeiture of the lands of the second class, which were not earned at the date the contract required the road to be completed, but which the road is asking Congress to give them upon the ground that of their own motion they built a railroad years after the expiration of the time fixed in the granting act for its construction. That the road is not entitled to any such gratuity there can be no question.

PURPOSE OF GRANTING THE LANDS.

This munificent grant was made in order to develop an almost uninhabited country. The object was to give facilities to enterprising pioneers, who were pressing westward as leaders in the settlement of our frontier country. The railroad company did not perform one iota of this service; it gave no facility to these sturdy men; it shrank from the perils and hardships which emigrants encountered.

The railroad waited until the grant had expired and until the settlement of the country had progressed along and far beyond the lines of the projected road, and freight and passenger traffic had become such as to make the building of the road a profitable enterprise without the bounty of a grant of land, and, of course, a land grant or other public aid was no longer necessary to induce the building of the railroad.

The roads can not ask for these lands either as a matter of legal right or as a matter of equity.

They were given contingently upon certain important and clearly stipulated conditions. These conditions have failed; the railroad is in default. The people now demand the enforcement of their rights. More than five years ago the Hon. W. A. J. Sparks, Mr. Cleveland's Commissioner of the Land Office, called upon Congress to do its duty to the people and promptly restore these lands to the public domain.

COMMISSIONER SPARKS'S APPEAL FOR THE PEOPLE.

After reviewing *in extenso* the bad faith and defaults and conspicuous neglects on the part of the Northern Pacific and other land-grant roads to construct their lines according to the terms of the grant, this faithful official says (I read from Mr. Sparks's report as found in House Executive Documents, first session, Forty-ninth Congress, pages 196, 197):

The paramount right of the Government to repossess itself of the lands is unquestionable. The conditions have failed and the grants are subject to resumption by the grantor. The matter of declaring these forfeitures and restoring the forfeited lands to the public domain is prominently before the country and has awakened and excites keen public interest. The amount of unpatented lands embraced in all the grants subject to declaration of forfeiture is estimated at 100,000,000 acres, an area equal to that of the combined States of New York, New Jersey, Pennsylvania, Delaware, Maryland, and Virginia. The restoration to public settlement and entry of this great body of lands is a subject of the first magnitude and of profound national importance. The question presented is strictly one of legal right. The rights of the corporations have been upheld for twenty or thirty years. The Government has not been in laches. The lands have been kept in reservation, material for building the roads has been freely supplied from the public domain, and extension of time for construction has been allowed.

The default of the companies has been voluntary. The rights of the public are now to be considered, the right of the people to repossess themselves of their own. The case is not one calling for sympathy to the corporations; it is one calling for justice to the people of the country. In the management of their grants, as of their roads, the railroad companies have shown little sympathy for the public—none for settlers and citizens whose presence and labor were building up traffic and whose earnings were paying all the traffic would bear over roads constructed by public bounty. Holding their own claims through the indulgence of the Government, delinquent corporations have pursued settlers with the strong forces of corporate power, not only from local tribunals to the executive department, but from the executive department to the courts, to wrest from them the homes they had acquired within the boundaries of railroad grants. It is my information that a patent from the United States to a settler under an award by adjudication of this Department is not security to his rights against a railroad company, but that the policy of compelling settlers to defend their patents in the courts has been systematically adopted by some of the companies having the largest grants and being in laches to the Government in respect to their own obligations.

Appeals have been made to me by holders of such patents asking for aid. I had no means to give in defense of their titles, which they said they could not maintain at their own cost against venacious, dilatory and expensive proceedings forced upon them to compel them to purchase from the companies the quiet of the titles which they had after protracted struggle obtained from the United States. Those who seek equity should do equity; those who demand charity should show some regard for the rights of others and of their donors.

It is my opinion that the right and power vested in Congress of enforcing the forfeitures that have been incurred should be exercised. A failure or refusal to exercise the legislative jurisdiction may be construed as a continuance or a renewal of the grants. I misunderstand the sentiment and mistake the temper of the people if a renewal of forfeited land grants in any form or manner is in consonance with their views of public policy or their demands for public justice.

However improvident the original grants were, the Government is bound to maintain its obligations so long as the companies kept theirs. But the failure of one party is the release of the other. An opportunity is now presented for

the legal recovery of a public estate long held in abeyance. Having been forfeited, it should now be resumed. I respectfully recommend that forfeitures be declared in all cases in which the roads were not completed in the manner and within the time prescribed by law, and that the unpatented lands be restored to the public domain.

RIGHTS OF THE SETTLERS NOT GUARDED.

There are other grave objections to the conference report.

The conferees seemed to be so anxious to comply with the demands of the railroads that they forgot the rights of the people. The bill as reported does not give any certain protection to settlers on the lands which are subject to forfeiture.

The second section of the bill purports to favor settlers only on forfeited land, and this gratuitous legislation is without meaning or necessity, because the rights of settlers on such lands are already fully protected by general law.

Whenever there is a settler on a tract of land which is restored to the public domain, the rights of said settler attach immediately upon the restoration of said land, and the particular provision to this end which is incorporated in the report can only have the effect to mislead the mind from the pertinent fact that the conference report utterly fails to guard the rights of those who need protection.

There are now thousands of claims of bona fide settlers pending before the Land Office on applications to enter lands which were settled upon after the expiration of the grant.

The bill or report proposes to relieve delinquent railroad companies of the liability of forfeitures incurred and which ought to and should be enforced, which leniency is legally and practically tantamount to a regrant of the lands.

If this princely concession is to be made to powerful corporations it would be a very small measure of fairness and justice to the poor settler to except from the regrant to these rich corporations the lands upon which these settlers have their humble homes. As the bill or report now stands such settlers would be compelled to purchase from the railroad companies not the land alone, but even the improvements which at their own expense they have placed upon the land.

Against this palpable wrong and injustice every honest man should solemnly protest.

If the Republican party has determined to be false to the people and surrender their birthright to the Northern Pacific Company and other like corporations, and at their behest decline to enforce forfeiture of unearned land beyond the immaterial limit proposed by the bill they ought in all conscience to provide that settlement rights be saved and secured on the great body of lands to which the right of forfeiture is waived and surrendered by the bill.

PUBLIC RIGHTS NOT PROTECTED.

I will now refer to another serious objection to the bill. It makes no provision for protecting the public rights in the mineral lands within the limits of railroad grants which are subject to forfeiture.

It is well known and understood that the railroads are strenuously asserting their claim to these mineral lands, and although they were expressly excluded from the grant the artful lawyers of these corporations are seeking by technical devices to set up and substantiate a right or claim on the part of the railroads to these lands, and facile decisions by the courts as well as the Departments are hoped for and relied upon to enable them to accomplish their purposes.

I insist, Mr. Speaker, that if the Republican party is to relinquish and abandon the right of forfeiture on the part of Congress it is the duty of Congress to at least definitely and forever extinguish and prohibit any future claim of the railroad companies to mineral lands.

I desire particularly to call the attention of Congress to the fact that the most important feature of the pending measure is that through it the grant to the Northern Pacific Railroad Company along 1,500 miles of road is saved from forfeiture. By the waiver of forfeiture on this road alone a donation of not less than 30,000,000 acres of land at the cost of the nation is made to the railroad company, a donation imperial in its nature and beyond the wildest dreams of avarice.

The failure of the company to build its road according to the terms of its grant is well known. It did not even definitely locate its line through this great stretch of land until after the grant had expired by limitation of law. Its right not having attached during the lifetime of the grant, it has now no legal claim to the lands which it might have secured but for its own disregard of the obligations assumed. It is shown by the reports of the Commissioners of Railroads and of Public Lands that the amount of money already realized by this company from sales of land and the average value of unsold land already patented to the company exceed even the company's estimate of the cost of the entire road as constructed.

This company has therefore no equitable right or claim to the unexampled donation which Republicans wish to confirm to it. It is especially in connection with the grant to this company along its line, which was not located until long after the date of the expiration of the grant, that there is the most imperative duty and necessity of protecting settlers' claims and mineral lands. The Republicans of this House would place the settlers' claims at the mercy of this grasping corporation and put the mineral lands of Montana and Idaho in imminent peril.

PROVISIONS OF THE BILL UNCONSTITUTIONAL.

Conspicuous as the bill is in neglecting to do what should be done, it is almost equally conspicuous in attempting to do what its progenitors know they have no legal right to do. The first section of the bill contains provisions which every man informed regarding these grants knows are clearly in violation of the Constitution, and therefore unless amended the law would be declared unconstitutional, and therefore no purpose whatever would be attained.

Having failed or refused to include in the forfeiture the 40,000,000 or more acres of land which should be forfeited, the bill proceeds to and attempts the forfeiture of a few inconsequent patches which Congress has no right to forfeit.

The first section of the bill is in these words:

That there is hereby forfeited to the United States, and the United States hereby resumes the title thereto, all lands heretofore granted to any State or to any corporation to aid in the construction of a railroad opposite to and continuous with the portion of any such railroad not now completed, for the construction or benefit of which lands have heretofore been granted; and all such lands are declared to be a part of the public domain.

The conferees ought to have known that the grant to many railroads included a gift or grant *in present* for the purpose of furnishing aid for such preliminary work as would be required before the construction of any part of the road.

These first 120 sections were granted without any condition, and the purpose for which they were granted has been fulfilled, and yet the road may not be completed and in operation.

The case of *Schulenberg vs. Harriman*, 21 Wallace, page 44, and the *Courtright* case, 21 Wallace, 310, are cases in which the Supreme Court construed these laws and decided that the lands to which I have referred were absolute grants. The syllabus in *Schulenberg vs. Harriman* says:

That the act of June 3, 1856, and the first section of the act of May 5, 1864, are grants *in present* and passed the title to the odd sections designated to be afterwards located. When the route was fixed their location became certain, and the title, which was previously imperfect, acquired precision, and became attached to the land.

I will also read from the *Courtright* case, 21 Wallace, page 315:

It is contended by the defendants, first, that under the act of Congress of May 15, 1856, no lands could be sold by the State until 20 continuous miles of the road were constructed; second, that, if 120 sections could be sold in advance of such construction, they could only be taken from lands adjoining the line of the road from its commencement on the east; and, third, that the grant by the State to the first company was upon conditions precedent, which not having been complied with, the title did not pass. Neither of these positions can, in our judgment, be maintained. The act of Congress by its express language authorized a sale of 120 sections in advance of the construction of any part of the road. It was only as to the sale of the remaining sections that the provision requiring a previous completion of 20 miles applied. It is true it was the sole object of the grant to aid in the construction of the railroad, and for that purpose the sale of the land was only allowed as the road was completed in divisions, except as to 120 sections.

The evident intention of Congress in making this exception was to furnish aid for such preliminary work as would be required before the construction of any part of the road. No conditions, therefore, of any kind were imposed upon the State in the disposition of this quantity, Congress relying upon the good faith of the State to see that its proceeds were applied for the purposes contemplated by the act.

Nor was there any restriction upon the State as to the place where the 120 sections should be selected along the line of the road, except that they should be included within a continuous length of 20 miles on each side. They might be selected from lands adjoining the eastern end of the road or the western end or along the central portion.

I need hardly have cited these authorities, because the act itself shows its unconstitutionality upon its face. It attempts to deal with lands which were unconditionally granted, and states that they are hereby forfeited and the United States resumes the title thereto. The exact language of the bill is:

That there is hereby forfeited to the United States and the United States hereby resumes the title thereto.

After attempting to forfeit lands which were granted without condition, the bill proceeds to exempt from forfeiture over 40,000,000 acres of the people's lands, which were granted upon condition with the facts staring the committee in the face that the conditions were not complied with.

PROPER METHOD WITH REGARD TO THE FIRST 120 SECTIONS.

The proper methods of dealing with these unconditional grants of the first 120 sections is for the law to require the Government to commence suits in each case praying the court to decree a judicial forfeiture. The court would take evidence, and in cases where the land had been earned it would so decree, and in cases of grants which had not been earned the court would render a judgment declaring a judicial forfeiture. The settlers on the lands would be entirely relieved of trouble and expense, that burden being borne entirely by the Government and the holders of the grant. That the Government should assume this expense there can be no question. It is responsible for the clouds and doubts which environ the title and it ought to disentangle the complication.

Without some such provision the condition of the settler will in many cases be deplorable.

In many cases these grants of the first 120 sections were patented and went into possession of the grantees twenty or thirty years ago. Some portions have been sold out to settlers. The grantees claim that they have earned these lands, and it must be presumed they will invoke the aid of courts to protect their title.

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The settler will be told he must hire a lawyer to defend his home. He is immediately involved in litigation in a Federal court with a wealthy corporation, which it must be expected will use every means possible to sustain its title. Court after court will pass, and even if the settler has every possible success the loss of time and expense he has undergone for lawyers and witnesses will in many cases fully equal the value of the land he started out to defend, and if he fails in his suit he is hopelessly ruined.

How much better for the entire matter in such grants to be determined by one suit instituted by the Government. Under my plan the Government would summon the settler as its witness and he would be paid by the Government for his attendance instead of paying witness fees out of his own pocket. In the Fiftieth Congress I successfully advocated this plan of settling the controversy in the Oregon road cases, and it proved satisfactory to all parties. The refusal to adopt that plan in these cases shows an unpardonable disregard of the rights of settlers.

But that is not all. After the suit is won what does the settler get? In some cases he is given preference to enter a part of his land, and in some cases he is not allowed to make any entry whatever. In some cases the bill confiscates the greater part of the settler's home which he has earned by years of labor. Take, for instance, a case (and there are plenty of similar cases) of a man who has bought and paid for and at great expense improved a place of 1,250 acres. After winning his suit the extent of his privilege is to buy one-fourth of his place at \$1.25 an acre, and three-fourths is irredeemably confiscated by this act.

As before said the bill is a conspicuous exemplification of a committee which attempt to do things they ought not to do, and leave undone things they ought to do, and there is no health in them.

It is gratifying to see from the report that every Democrat on the committee refused to lend his sanction to the abomination, and the report comes before us signed and sanctioned by Republicans only, and I feel confident every Democrat in this House will use every effort and every parliamentary device to defeat a measure conceived and framed for the purpose of increasing corporate wealth.

The SPEAKER. The time of the gentleman from Alabama [Mr. WHEELER] has expired.

Mr. WHEELER, of Alabama. I will append the report of Mr. Speaker REED in the Forty-seventh Congress, to which I have referred, and from which I have taken extracts.

The Committee on the Judiciary, to whom were referred sundry bills relating to land grants to railroads, have had the same under consideration, and report as to the Northern Pacific Railroad as follows:

The Northern Pacific Railroad Company derives its chartered rights from the act of July 2, 1864 (13 Statutes, 356). The road is to be constructed from a point on Lake Superior to Puget Sound, with a branch via the valley of the Columbia to a point at or near Portland, Oregon. Twenty alternate odd-numbered sections per mile on each side of the road in Territories and ten in States were granted to the company, with a right under that and subsequent statutes to make up out of a 20-mile limit on either side all losses arising from prior disposal by the United States of lands the company would have otherwise been entitled to.

By the terms of the original act the road should have been completed July 4, 1870. By joint resolutions approved May 7, 1877 (14 Statutes, 355), and July 1, 1878 (15 Statutes, 255), such changes were made as to time of completion that the Secretary of the Interior, June 11, 1879, held that the effect of them was to require the completion of the road July 4, 1879. Whether this was the exact date or not, it is sufficient to say that the time for completion has now expired beyond question. Eleven hundred and eighty miles of the road have been completed. On the western side it is finished from Puget Sound to the western boundary of Montana, and on the eastern side from Lake Superior to —, in Montana. About 600 miles remain to be built. These figures we understand to refer to the main line.

Under the provisions of section 3 of the act of July 2, 1864, the land was granted; under those of sections 8 and 9 the conditions were imposed.

The important granting words of section 3 are as follows:

"Sec. 3. And be it further enacted, That there be, and hereby is, granted to the Northern Pacific Railroad Company . . . every alternate section of public land," etc.

The conditions are as follows, in full:

"Sec. 8. That each and every grant, right, and privilege herein are so made and given to and accepted by said Northern Pacific Railroad Company upon and subject to the following conditions, namely: That the said company shall commence the work on said road within two years from the approval of this act by the President, and shall complete not less than 50 miles per year after the second year and shall construct, equip, furnish, and complete the road by the 4th day of July, A. D. 1870.

"Sec. 9. That the United States make the several conditioned grants herein, and that the said Northern Pacific Railroad Company accept the same, upon the further condition that if the said company make any breach of the conditions hereof and allow the same to continue for upwards of one year, then in such case, at any time hereafter, the United States, by its Congress, may do any and all acts and things which may be needful and necessary to insure a speedy completion of the said road."

Upon this state of facts your committee are called upon to state their opinion as to the legal rights of the United States, and to advise what legislative action, if any, ought to be taken.

The legal effect of the sections as quoted above is to make a present to the company of the lands in question, subject to the provisions and conditions stated in sections 8 and 9. The sections taken together vest in the company an estate upon condition-subsequent. If section 9 had not been enacted, it would be quite clear that the estate of the company would have been determinable at the pleasure of the United States, on the happening of any one of three things: First, a failure to begin the road in two years; second, a failure in any one year to build fifty miles; and, third, a failure in ten years to build, equip, and complete the whole road.

To secure this right of forfeiture it was not necessary to mention it in the act. The words "upon condition" were the only words needed. They are as potent as if the words had been added, "and if these conditions are not fulfilled the land shall revert to the United States." But the severity of the words in section 8 Congress had a perfect right to modify. It had a right to say just what should be the effect of a breach of the conditions of the grant. It could rest

its reserved rights on the words "upon condition," and then the legal effect would be to retain the right of reverter, or it could claim that right in so many words, as was done in all the railroad grants made to States.

Instead of either of these things, Congress enacted section 9, limiting and defining the effect of a breach of the conditions named in section 8. By that limitation, the sole right which remains in the United States at the present time is the right, "by its Congress, to do any and all acts which may be needful and necessary to insure the speedy completion of the road." Of course this still leaves to Congress a wide range of power, but its power is necessarily subordinate to the speedy completion of the road. If Congress deems the forfeiture of the lands needed for the speedy completion of the road, it would have a right so to forfeit the lands. It might give them to another company, sell them and apply the proceeds, provided it adjudged such a course "needful and necessary to secure the speedy completion of the road."

The purposes and intention of Congress in passing the act of July 2, 1864, appears throughout all the act to be the speedy completion of the road. Every provision has that in view. All the limitations and conditions are to that end, and the limitations of time had that purpose only. Even the right to amend and repeal is subject to the same controlling desire.

Section 20 reads as follows:

"Sec. 20. And be it further enacted, That the better to accomplish the object of this act, namely, to promote the public interest and welfare by the construction of said railroad and telegraph line, and keeping the same in working order, and to secure to the Government at all times (but particularly in time of war) the use and benefits of the same for postal, military, and other purposes, Congress may at any time, having due regard for the rights of said Northern Pacific Railroad Company, add to, alter, amend, or repeal this act."

The United States did not want back its lands. It wanted a great public thoroughfare across the continent, and it took every precaution to insure its completion.

The remaining question, therefore, for us to consider is "what is needful and necessary to insure the speedy completion of the road?"

As has already been stated, 1,100 miles of the road have been completed, 600 or less remain. Work is going on at both interior terminal and on the tunnels in the heart of Montana. It appears that 150 miles were approved by President Hayes in 1880 and 325 miles by President Arthur last year. The company assert that by September, 1883, they will finish the road; that they are progressing as fast as can possibly be done. No testimony or suggestion to the contrary has been made by any one. Your committee do not see how the transfer of the lands to another company could hasten the completion of the road, nor would it be regarded as advisable for the Government to complete the road by its own direct action. Congress would hardly regard either course as needful and necessary to insure the speedy completion of the road.

We can conceive of no legislation which would hasten the completion of the road, and therefore recommend none.

I now renew my request that every member of the House who wishes to compel the insertion of the all-essential amendments I have suggested refrain from voting and leave the Hall. An empire is at stake, and it is too evident that if a quorum remain within these doors nothing can prevent the passage of the bill with all its hideous features and its direful results.

Mr. PAYSON. I yield now to the gentleman from Alabama [Mr. HERBERT].

Mr. HOUK. Mr. Speaker, this is a very important question, and I ask unanimous consent that the gentleman from Alabama be permitted to proceed for twenty minutes.

Mr. PAYSON. Oh, I must object, Mr. Speaker. Other business is pressing. Unanimous consent has been given to print on this subject. This matter has been all gone over in the House time and time again. I yield to the gentleman from Alabama [Mr. HERBERT].

Mr. HOUK. I simply wished to say that this is a very important matter—

Mr. HERBERT. Mr. Speaker, this does not come out of my time?

The SPEAKER. The gentleman from Alabama has the floor and of course the time is progressing.

Mr. HOPKINS. I trust nobody will object to the gentleman from Alabama [Mr. HERBERT] proceeding.

Mr. HOUK. I will state to the gentleman from Illinois that he will have some difficulty in passing his bill if he is going to crowd it through in this way. [Cries of "Regular order!"]

Mr. HERBERT. Mr. Speaker, this may not be in all respects a perfect bill. It is not exactly as I would have framed it myself, and yet I think it is the best bill we are likely to get at this session or at any other in the near future. The party to which I belong may carry the next House of Representatives; I am confident that we will, but with the Senate Republican, and likely to remain so for years to come, forfeiture bills framed on the Democratic idea heretofore contended for on this side can not be expected to pass into law. We might pass them in the House as we did in the Forty-ninth Congress and as we did in the Fiftieth Congress, but they were defeated then by a Republican Senate, and they would be in the next Congress. Why, sir, in the last Congress, we, on this side, voted for a bill that forfeited 50,000,000 acres of land, but the Senate defeated it or amended it by cutting down the forfeiture, and sent us a bill much like that we have before us now. I was in favor of accepting the Senate bill, taking all we could get and turning it over to the people then. But no vote upon it could be reached in the House, and so the bill failed. Many others on this side of the House, party friends of mine, had agreed with me to vote for and pass the Senate bill as the best we could get, but it was not allowed to come up. I stand now as I stood then.

I am in favor of taking what we can get, turning it over to the Government, and giving it to the settlers who are already upon it, and to other settlers who are anxious to go upon it, but are not permitted to do so under the present conditions.

Mr. WHEELER, of Alabama. Let me ask if you are in favor of that clause of the bill which prevents forfeitures in future.

Mr. HERBERT. There is no such clause in the bill.
Mr. WHEELER, of Alabama. Let me call the gentleman's attention—

Mr. HERBERT. I beg my colleague's pardon; I must decline to yield. My time is limited, as he well knows.

It has been said in this debate that corporations were here pressing the passage of this bill. Now, Mr. Speaker, so far as my observation extends, the influence that corporations and land companies have brought to bear here has been exerted against the passage of this bill as it now is. Certainly that is the case with the two grants lying in the State of Alabama.

I address myself especially to the Mobile and Girard grant, because that lies mostly within the district I have the honor to represent. As the bill came back to us from the Senate, section 7 extended the time within which that road might be completed and gave one year after the passage of the act. Under the decisions of the Supreme Court of the United States, on grants like this, if the road is completed before a forfeiture is declared it earns all the land granted whether completed within the time limited by the act or not. The court holds that the mere failure by Congress to act extends the time for the completion of the road. Under those decisions the Mobile and Girard Company, having completed 80 miles heretofore, is already entitled to 322,560 acres of land, and Congress could not forfeit it now. If the bill had passed as it came from the Senate, and the road had been completed within one year, the remainder of the grant, amounting to 328,704 acres and something more, would have gone to the railroad company or its vendees, the Van Kirk Land Company. There would have been left no homesteads for settlers in the future, and every present settler on the land would have been at the mercy of the Van Kirk Land Company, which would have owned all the land included in the original grant.

I and others of my colleagues here opposed that extension of time. We went before the conference committee, and section 7 was stricken out. I occupied then, and I occupy now, my original position: that all forfeitable lands shall be forfeited and held only for actual settlers. I want to put my views, which are well known to my colleagues here, on record now in this public manner, so that no man who wishes to know what my position is and has been can fail to understand it.

Now, sir, that seventh section of the Senate bill, giving one year's more time to the railroad company, having been stricken out by the conference committee, the next effort of the land company is to defeat this bill. If this bill can be defeated and all legislation prevented until after the road is completed, it will then be too late for Congress to act. Under the decisions I have alluded to the road will have earned all the grant by being completed before a forfeiture is declared. The defeat of legislation would be just as valuable to the land company as the passage of the Senate bill. Therefore, sir, I hope this bill will pass now and without delay.

I have no feelings of ill will towards the members of this land company, sir. One of them has been for years my warm personal and political friend; the other, though belonging to another political party, I regard with the friendliest feelings. But, sir, in the consideration of a subject like this, motives of personal friendship can have no place. It was simply with me a question of duty. This question did at one time assume a phase that caused me to hesitate and endeavor to ascertain the sentiment of the people I represent.

There are cases, sir, in which a Representative can not hesitate. He is bound by his oath to obey the Constitution of his country, the highest law of the land. "The preservation of the General Government," Jefferson said, "in its whole constitutional vigor is the sheet-anchor of our peace at home and safety abroad." He who swerves from his duty to support and defend the Constitution, whether he does it in the hope of reward or from the fear of consequences to himself, is unworthy of the place in which I stand. I trust, sir, it is not unbecoming in me to express the hope that I am not wanting in the courage to stand by my convictions when the organic law of the land compels me. Yet, sir, in all cases where the path of duty is not pointed out by my oath to obey the Constitution, I regard it as a high duty to obey the will of my constituents. Therefore I sought to ascertain the wishes of those I represented, those who had most direct interest in the question, as soon as it was made to appear to me that the extension of the Mobile and Girard Railroad depended on the extension of time by this bill, and when it was further deemed possible, in case of extension of time, to fully provide for the rights of settlers and purchasers. So I inquired; and I soon ascertained, as I thought, that the masses of the people desired forfeiture. That decided me, and the conclusion I reached was all the more satisfactory because it was in harmony with the course I had been pursuing. I found further, Mr. Speaker, that the building of the road did not depend upon the extension of time by the bill; that a contract had already been made to build it, and that without any regard to the land grant. In fact, sir, the railroad company had sold its chance to secure the land and conveyed it by deed to the Van Kirk Land Company. A knowledge of this fact, when it came to me, confirmed me in my determination to contend for the forfeiture of every foot of forfeitable land of the grant.

It is strenuously contended here that this railroad company is entitled to 120 sections in addition to the lands conceded to it by the

bill. I do not so understand the law, and so I have opposed any such construction of the statute, and the conference committee agree with me. It is also earnestly insisted that the road from Mobile to Pollard was constructed by the Mobile and Great Northern Railroad Company under some sort of an agreement to build along the line of the Mobile and Girard, and that this justifies the claim of the Mobile and Girard Railroad Company to additional land as earned on that portion of the line. I combated this claim before the Public Lands Committee, and that committee agrees with me and it is not allowed in the bill.

The bill seeks to settle as fairly as possible and without litigation all controversies between the railroad company, the purchasers from it, and the settlers. Here is that portion of the bill which refers directly to this road:

SEC. 8. That the Mobile and Girard Railroad Company, of Alabama, shall be entitled to the quantity of land earned by the construction of its road from Girard to Troy, a distance of 84 miles. And the Secretary of the Interior in making settlement and certifying to or for the benefit of said company the lands earned thereby shall include therein all the lands sold, conveyed, or otherwise disposed of by said company, not to exceed the total amount earned by said company as aforesaid. And the titles of the purchasers to all such lands are hereby confirmed so far as the United States are concerned.

But such settlement and certification shall not include any lands upon which there were bona fide pre-emption or homestead claims on the 1st day of January, 1890, arising or asserted by actual occupation of the land under color of the laws of the United States.

The right hereby given to the said railroad company is on the condition that it shall within ninety days from the passage of this act, by resolution of its board of directors, duly accept the provisions of the same and file with the Secretary of the Interior a valid relinquishment of all said company's interest, right, title, and claim in and to all such lands within the limits of its grant, as have heretofore been sold by the officers of the United States, for cash, where the Government still retains the purchase money, or with the allowance or approval of such officers have been entered in good faith under the pre-emption or homestead laws, or as are claimed under the homestead or pre-emption laws as aforesaid, and the right and title of the persons holding or claiming any such lands under such sales or entries are hereby confirmed, and all such claims under the pre-emption or homestead laws may be perfected as provided by law, said company to have the right to select other lands, as near as practicable to constructed road, and within indemnity limits in lieu of the lands so relinquished.

First. It is plain, sir, that this forfeits all the land which can be forfeited. It concedes what can not be denied, under the decisions, that the railroad company is entitled for the 84 miles it has finished from Girard to Troy, but it refuses to allow anything for what was done by another company on the Mobile end of the line and refuses to allow the other claim made for it of 120 sections additional.

Secondly. It confirms the titles of all purchasers from the railroad company by estimating these lands so sold as part of the company's lands in settlement of that question to be had at the land office. So justice is done to these purchasers, but not at the expense of the public. The railroad company is simply compelled to recognize the sales it has made.

Thirdly. It protects and confirms the right to complete homestead entries of all who were on the 1st of January, 1890, in "actual occupation of the land under color of the laws of the United States," although that land may fall to the railroad company in settlement at the land office.

As the amendment passed the House we secured the rights of all who might be in actual occupation of such lands falling to the railroad company at the date of the passage of the act; and so I think it ought to be, but the conference committee were unwilling to go that far. Of course when those homestead entries are taken out of lands the railroad company may be entitled to, it is allowed to select other lands in place of them. Only in this way could the settler be protected.

As the amendment passed the House it also secured the rights of holders of tax titles, and did it, not at the expense of the public, but by including them in the lands earned. The theory was that if the company had earned lands and allowed them to sell for taxes, those who bought them ought to be entitled as against the railroad company to stand on their legal rights, whatever they might be. The holders of tax titles were not to be entitled as against the public; they were to get none of the forfeitable lands, but only to try conclusions with the railroad company for such lands as may be allotted to it.

Certainly the committee might have left this to be the case to the extent of 320 acres for each occupant, but the conference thought otherwise, and it is preordained that this report is to pass without amendment.

Fourthly. As to all lands not falling to the railroad company, but forfeited by this bill, section 2 gives all actual settlers at the date of its passage a preferred right of homestead, to be exercised within six months.

Fifthly. Then by another law, passed during the last Congress, every acre of the land forfeited by the bill and fit for homesteads is dedicated to homestead purposes alone.

So, Mr. Speaker, to conclude what I have to say on this subject, the bill forfeits every foot of the Mobile and Girard Railroad grant that could be forfeited by law.

It points out how much this is, so as to avoid law-suits between the settlers and the railroad company or its vendees.

It saves the homestead rights of all who were settled prior to January last on the land that may go to the railroad company, and the Department will be asked to so arrange, if possible, the settle-

ment with the company as to save even those settlers who may have gone on the lands since the 1st of January.

It preserves absolutely for homestead settlement all the lands forfeited, giving priority to those who may be settled on these forfeited lands at the date of the passage of the act. Thus this bill secures, so far as is possible, a settlement of all disputes and thus prevents lawsuits that would otherwise arise between the railroad company, settlers, and purchasers. This will give immense relief. It is not to be expected that there will arise no contentions whatever. When questions are so complicated and conflicting interests so numerous, some disputes will still exist. Human foresight could not provide against them all in one law, but it is hoped and believed, Mr. Speaker, that the result will be the speedy settlement of all questions that may come up, a rapid increase in the number of homesteads in that section, the multiplication of prosperous homes and of churches and school-houses and all the concomitant advantages of the increasing civilization of this day.

It has been eloquently urged against this bill that it ought not to pass because it does not make provision for the protection of the rights of settlers along the line of the Northern Pacific Railroad, but leaves them to litigate their rights in the courts. Section 8, which I have set forth, has been pointed to as making a fair and equitable arrangement for the protection of settlers along the line of the Mobile and Girard in Alabama, and it has been said that the bill ought to fail because a similar provision was not inserted as to the Northern Pacific grant. For myself I should be much better pleased if it had; but, sir, I can not afford to vote against this bill simply because it may be defective in those provisions which apply to the Northwest.

My constituents are pressing for settlement of these questions; they wish to know when and how and from whom they can obtain titles to this land. All now is doubt, anxiety, and uncertainty. I can not vote against the bill and thus perpetuate these conditions. When it becomes law there is no reason why the Commissioner of the General Land Office may not within sixty days' time adjudicate the questions arising under it and officially declare the legal status of every foot of land covered by the original grant to the Mobile and Girard Railroad Company. In the mean time, let every settler on those lands stand upon and maintain his rights.

Mr. PAYSON. I now yield two minutes to the gentleman from Alabama [Mr. FORNEY].

Mr. FORNEY. Mr. Speaker, during the last Congress I voted with the gentleman from Indiana [Mr. HOLMAN] in favor of a forfeiture of land grants amounting in the aggregate to some 54,000,000 acres. I find now that our efforts to secure that legislation are not to be successful. We can not get all we sought in that measure, and I am ready to take the best that I can get, and that is what this bill proposes; because it has one good effect at least; that is, it settles all of the difficulties in my own State.

There are two railroads—small lines of road—in my district. One of these is 36½ miles long and was chartered in 1844. They have received considerable aid from the State of Alabama, and I saw it stated the other day that they had sold this road for the sum of \$250,000. I suppose the road is worth five or six hundred thousand dollars, to which extent money has been expended in its construction. All along the line of that road people have settled, and they want title to the lands. If these lands are not forfeited by this bill now, the people will not get them at all, and the railroad or the purchasers of this railroad will, who are certainly not entitled to them. I am in favor of the settlers getting the lands, and not the railroad. There is another road some 37½ miles long which controls 144,000 acres of land, and not a shovelful of dirt has been dug toward its construction. The people have despaired of getting this road, because it is near the line of another road, which other road got its quota of the lands; and, if you do not forfeit these lands by the provisions of the pending bill, these 144,000 acres will go to a company which has done no work—

Mr. RICHARDSON. What road does the gentleman refer to?

Mr. FORNEY. The Coosa and Chattooga line of road proposed to run from Gadsden to the Georgia State line. So I say, Mr. Speaker, the settlers in my part of the country will receive, and ought to receive, the benefit of this legislation.

[Here the hammer fell.]

Mr. PAYSON. I yield now five minutes to the gentleman from Mississippi [Mr. HOOKER].

Mr. HOOKER. Mr. Speaker, I failed to understand the argument of my friend from Indiana [Mr. HOLMAN], who has been a very persistent advocate of the forfeiture of the public lands which were not earned by the railroads to which they have been granted by acts of Congress. He has been the persistent advocate of forfeiting all those lands, and I put a question to him, therefore, to know whether he thought the passage of this bill, forfeiting lands granted to the roads named in the bill, will be any inhibition upon Congress making future forfeitures of other lands. I did not exactly understand his answer to my inquiry, nor did I understand whether he was the advocate of this measure or its opponent.

Now, my friend from Alabama [Mr. FORNEY] has appropriately stated that while there are many things that might be added to this

bill, and while it might be still further perfected, so far as it affects the railroad in my State, which is embraced in the bill, I believe that it is the best that can be accomplished; therefore, I am in favor of accepting it.

The grant of land to the Gulf and Ship Island Railroad was made in 1856. The gentleman from Illinois having charge of the bill [Mr. PAYSON], as chairman of the House committee, has appropriately stated the reasons why that road was not constructed within the time prescribed by the original act granting the land. The intervention of the war, the impoverishment of the country as the result of the war, its inability to do it, are reasons why these lands should not now be taken from that road. I would not, Mr. Speaker, favor this or any other bill which did not in terms so plain and clear that they could not be misconstrued, either by department or by courts, secure to the actual homestead entryman his right to the land. I understand that this bill does that with regard to these lands granted to the Gulf and Ship Island Railroad long years ago.

I believe it is to the interest of the country to construct that road, and for this reason, Mr. Speaker, that the construction of that road will open a network of railways throughout the State of Mississippi from the center and northern portion to the Gulf shore, which is now emphatically *terra incognita* almost to our own inhabitants, because we have no railway communication save by the tedious routes through Mobile or New Orleans; whereas, if we have this direct railway communication from the center to the extreme northern portion of the State we will have the State compacted by a network of railways almost equal to that of which it has been said in the great agricultural State of Ohio, that every farmer has a railway running by his door. I believe it to be the interest of the people to use these public lands, not occupied by settlers, for the construction of these roads, because the construction of the road will give value to the land, and will give value to every single tract of land lying within 20 miles of the line of the road.

For this reason I think this bill, as it forfeits a certain amount of land, ought not to meet with objection on the part of gentlemen who, like my friend from Indiana [Mr. HOLMAN], are in favor of the forfeiture of unearned lands to the extent to which this bill proposes to go. I do not believe, for myself, that the provision of the seventh article as it originally stood in the bill of the House would add anything to or take anything away from the power of Congress to make such a forfeiture by legislative enactment.

Mr. WHEELER, of Alabama. It would do no harm to leave it in.

Mr. HOOKER. Very well. I am not particular about that; but at all events certainly there could be no act of this Congress which could put a limit upon the power of subsequent Congresses with reference to questions of this kind.

Mr. GROSVENOR. Mr. Speaker, both political parties in this country have insisted in their campaigns before the people that they favored the forfeiting to the General Government of the unearned land grants. The restoration of this vast body of public land to the public domain to be opened to actual settlers under our homestead law has been a subject of the deepest interest to the people of the country. Already the public lands subject to homestead are reduced in volume to such an extent as to make it almost impossible for a great number of settlers in the future to find homes without the aid of this forfeiture bill.

Mr. Speaker, it has been made the duty, as it has been the pleasure and pride, of the Republican party to pass into law, or at least so near it that we are now on the verge of final vote, an act that restores to the public domain bodies of land aggregating nearly 8,000,000 acres. In the Fiftieth Congress a Democratic House passed a bill forfeiting all lands granted to railroads in every case where the railroad had failed to construct its lines within the terms of the contract as to time. In other words, no matter that the road had completed its line ten or fifteen years ago; no matter that the Government had accepted it; no matter that the lands had been enormously enhanced in value thereby; no matter the actual settler had thus been greatly benefited, this act of dastardly repudiation, this act in violation of every principle of law, justice, and equity, was passed by the House of Representatives and sent to the Senate. Of course it could not be passed by that body; of course nobody supposed it could be. It would have been unconstitutional, necessarily.

The Senate passed a bill substantially the same as this, only as a substitute for the House bill, and sent it back to us. The Senate held that the Government had waived its opposition and waived its right to complain, because of the lapse of time, inasmuch as the roads had been finished and accepted by the Government. The Democratic House refused to pass the Senate bill, and so between the two bodies the measure failed. Had the Senate bill been passed in the House and become a law we could have gained a large amount of land, added to the public domain, which we shall not now have because of its having been disposed of by the railroad companies since. But now we have an intelligent and honest bill, an effective bill, one that will accomplish the result asked for.

Thus again, Mr. Speaker, has the Republican party redeemed its pledges upon a distinctive proposition in which the Democrats have failed to redeem theirs. It is the old story of promises, bad faith, and unfulfillment. It has a counterpart in the Democratic pledges in regard to

silver and the enlargement of the currency, and I can not more profitably employ the few moments of my time than by pointing out again not only the splendid achievement of the party in passing this bill, but also the history of Democratic pledges and Democratic failures and Republican pledges and Republican achievement upon the silver question. I embody extracts from the utterances of the Democratic party and its actions. I embody also extracts from Republican pledges and the action of that party:

THE SILVER DOLLAR.

Cleveland Administration: Silver, per ounce, 91.24 cents; silver dollar, 70.57 cents.

Harrison Administration: Silver, per ounce, \$1.1947; silver dollar, 92.4 cents. Read the record. See how it illustrates the difference between the two parties as to fidelity and truth.

The Democracy says, "We will restore silver," and promptly proceeds to debase it.

The Republican party says, "We will restore silver," and keeps its word.

THIS WAS THE DEMOCRATIC PROMISE.

[From the Democratic national platform of 1884.]

"We believe in the gold and silver coinage of the Constitution."

Do they? Let us see. The result of the campaign was the election of a Democratic President and a Democratic majority in Congress. But before Mr. Cleveland took his office, before the slightest responsibility fell on his shoulders, he hurried into an attack on silver.

At that time silver was worth about 80 cents for a standard dollar.

CLEVELAND SAYS STOP COINING.

Having got elected on a platform favoring silver, he proceeds to denounce it. [From President Cleveland's letter to Congressman Warner, February 24, 1885.]

"It is most desirable at the present juncture to maintain and continue in use the mass of our gold coin as well as the mass of silver already coined. This is possible by a present suspension of the purchase and coinage of silver. I am not aware that by any other method it is possible."

THE ATTACK FOLLOWED UP.

Secretary Manning also insists that Democratic pledges be broken.

[From annual report of Secretary of the Treasury for 1893.]

"In but one way now can any nation retain in use coins of both metals which are both unlimited legal tender, namely, by stopping the coinage of the metal unacceptable to other nations. France has done so. The United States must likewise stop coining silver. Stop, wait, negotiate. * * * The silver dollar can not be kept in equivalence with the gold dollar if the coinage of silver continues."

CLEVELAND DEAD IN EARNEST.

He attributes all the nation's troubles to the use of silver and urges Congress to stop coining.

[From the President's annual message, December 3, 1885.]

"The desire to utilize the silver product of the country should not lead to a misuse of this power (that is, the power 'to coin money')."

"The hoarding of gold has already begun."

"When the time comes that gold has been withdrawn from circulation, rich speculators will sell it at a ruinous premium over silver, and the laboring men and women of the land, most defenseless of all, will find that the dollar received as the wage of their toil has sadly shrunk in its purchasing power."

"If this silver coinage be continued, we may reasonably expect that gold and its equivalent will abandon the field of circulation to silver alone. This, of course, must produce a severe contraction of our circulating medium, instead of adding to it."

"I recommend the suspension of the compulsory coinage of silver dollars."

The only action taken by the Forty-ninth Congress on the subject of silver was the defeat of a free-coinage bill. The vote on this bill is especially significant in view of the present Democratic pretense that free coinage is what they want; and that their failure to support the new Republican silver law was dictated by their desire to secure the unlimited use of silver.

FREE COINAGE BEATEN.

The Democracy, after all its promises, in the face of its responsibility, with a great majority at its command, defeats free silver.

The free coinage bill was reported adversely by the Democratic Committee on Coinage, Weights, and Measures, and on the final vote, taken April 8, 1886, it was defeated.

CLEVELAND KEEPS IT UP.

He says in effect that the fact that the country has not gone to the "demonstration how-ows" makes no impression on his mind.

[From the President's second annual message, December 6, 1886.]

"I have seen no reason to change the views expressed in my last annual message on the subject of this compulsory coinage, and I again urge its suspension."

SILVER AT ITS LOWEST EBB.

Democratic hostility forces its price down to ruinous figures.

On May 19, 1888, the price of silver, which had steadily declined since the passage of the Democratic Bland act, reached its lowest figure. Its London price was 41½ pence; its New York price was 91½ cents, and the value of the silver dollar was 70.57 cents.

ANOTHER NATIONAL DEMOCRATIC CONVENTION.

And this is what it has to say on the subject of silver:

[From the national Democratic platform of 1888.]

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Mr. Cleveland turned over the silver dollar to the new Administration worth a fraction over 70 cents. But Mr. Cleveland did not learn anything by his defeat, for in his last message to Congress he keeps up the war upon silver thus:

BEATEN, BUT STILL BITTER.

Untaught by his defeat at the polls, Mr. Cleveland maintains his warfare against silver.

[From the President's last annual message, December 3, 1888.]

"The Secretary recommends the suspension of the further coinage of silver, and in such recommendation I earnestly concur."

And now we come to the pleasing view of this case.

A Republican Administration came in and its record upon this mighty question we celebrate to-day.

It is as follows, briefly but succinctly told:

REPUBLICANS AT THE HELM.

President Harrison and Speaker REED take command of the ship, and instantly silver begins to mount. This was the Republican promise.

[From the national Republican platform of 1888.]

"The Republican party is in favor of the use of both gold and silver as money, and condemns the policy of the Democratic Administration in its efforts to demonetize silver."

HARRISON ADVOCATES COINAGE.

The Republican President differs with his Democratic predecessor, and says it is sheer folly to discredit our own goods.

[From the President's first annual message, December, 1889.]

"The evil anticipations which have accompanied the coinage and use of the silver dollar have not been realized. As a coin it has not had general use, and the public Treasury has been compelled to store it. But this is manifestly owing to the fact that its paper representative is more convenient. The general acceptance and use of the silver certificate show that silver has not been otherwise discredited. * * * I have always been an advocate of the use of silver in our currency. We are large producers of that metal, and should not discredit it."

MUST USE BOTH METALS.

The Republican Secretary differs with his Democratic predecessors, and says we can not afford to discard silver.

[From Secretary Windom's annual report for 1889.]

"With a stock of 343,638,001 silver dollars, sharing equally with our gold coins the function of full legal-tender money, as well as \$76,800,000 silver coins of limited tender, and an annual product of silver from our mines approximating \$60,000,000 (coinage value), it would not be for the interests of this growing country, nor would it be wise public policy, to discontinue the use of either metal as money."

SILVER RESTORED.

The Republican majority in Congress differs from its Democratic predecessor, and redeems its platform pledge honestly and well.

The Republican silver bill, passed in the Senate on July 10 and in the House July 12, and approved by President Harrison July 14, fully restores the money uses of silver. It provides that the Secretary of the Treasury shall purchase 4,500,000 ounces silver per month, at the market price, and issue in payment therefor legal-tender Treasury notes, redeemable in coin.

On the passage of this bill in each House, the affirmative votes were all cast by Republicans, and the negative votes were all cast by Democrats.

SILVER AT \$1.20.

The rise in the price of silver, and of all agricultural products, followed immediately upon the passage of this bill. Silver is selling to-day at 26 cents an ounce more than on the day Cleveland left the White House, and wheat at 22½ cents more per bushel.

Thus was the Republican party faithful, and thus it is shown the Democratic party was false to its promises.

I append a table giving the value of the silver dollar at eleven different dates, both in London and New York:

Dates.	Significance of dates.	Price of silver in London.	Equivalent value of a fine ounce.	Price of a fine ounce in New York.	Commercial value of the silver in the silver dollar.
Feb. 28, 1878	Date of the passage of the Bland act.	55	\$1.205	\$1.195	\$0.9325
Mar. 1, 1878	Day after passage of the Bland act.	54½	1.204	1.20	.9315
Mar. 22, 1878	Three weeks after passage of the Bland act.	54½	1.189	1.20	.9198
Mar. 1, 1879	One year after passage of the Bland act.	49½	1.085	1.085	.8903
May 19, 1888	Lowest price reached.	41½	.9124	.915	.7057
Mar. 4, 1889	Inauguration of President Harrison.	42½	.9333	.933	.7218
Dec. 1, 1889	Republican Congress met.	44½	.9727	.9635	.7523
July 14, 1890	Passage of the new silver law.	49½	1.0796	1.08	.865
July 15, 1890	Day after passage of new silver law.	50	1.096	1.10	.8477
Aug. 12, 1890	New silver law went into effect.	51½	1.1015	1.13	.8519
Aug. 20, 1890	About three weeks after the silver law went into effect.	54½	1.1947	1.180	.924

And so, Mr. Speaker, it was left to the Republican party in Congress to bring about this great reform. Again it has vindicated its claim to be always and at all times and in all places the party of the people.

Mr. PAYSON. I now yield to the gentleman from Illinois [Mr. HITT].

Mr. HITT. Mr. Speaker, I earnestly hope that this bill will pass, for it follows a long line of legislation by which we have already forfeited about 50,000,000 acres; and this will take and restore to the people all that is left within our reach under the decisions of the Supreme Court, every acre that lies along the uncompleted roads. It will give to individual owners, actual settlers, lands that otherwise would go to syndicates and large holders. It will promote a policy which is excellent, reversing the land-grant policy that all favored thirty years ago and which nobody favors now. It will increase the small farm-holding and farm-owning population, who are the strength of the country; and as such a measure I most heartily support it.

The sweeping provision in the first section of the bill forfeits all the lands granted to aid in building railroads which lie along portions of those roads that have not been constructed. It cuts away probably 4,000,000 acres from the Northern Pacific road. It takes large amounts in California, New Mexico, Wisconsin, Mississippi, and other States; in all, about 8,000,000 acres, which will be restored to the public domain and will go to actual settlers on the public lands. It is a just measure of restitution and responds to the sentiment of the country; and this time in passing the bill we are sure that it will not be, as has often been the case heretofore, a bill merely passed by the House, to fail in the Senate and not become a law. The Senate conferees have agreed to it.

It is true that in some of the States, especially in some of the Southern States, where they have not sufficient railroads built, some are unwilling to see the land grants forfeited, and wish them left outstanding a little longer, that the people may get the roads which would not otherwise be built. This is a sentiment that twenty-five or thirty years ago pervaded a good part of the Northwest; but public opinion in this country has too plainly pronounced against any further aid to railroad-building by means of public-land grants. There is sufficient capital seeking investment in railways to build a road anywhere that it will have business to justify building.

In passing this bill to make an end of these land grants and restore them as far as possible to the public domain for actual settlers, the bill as now presented is wise in policy. It forfeits every acre which under the judgments or decisions of the Supreme Court can be forfeited. It does not confirm the title of any railroad company to any lands heretofore acquired, but cuts off their power of acquiring an equity in more lands by further building of roads through the land grants along the uncompleted portions of the roads. Congress has heretofore in the cases of twelve railroads, some of them great lines not completed according to law, passed acts forfeiting in all nearly fifty millions of acres. This bill will forfeit in a general way all that is left along uncompleted portions of railroads having land grants.

This land-grant legislation has largely occupied Congress for forty years, first in granting public lands to aid in building railroads and afterward in enacting legislation to recover from the roads the lands forfeited by not building according to the terms of the grants. It was once a favorite idea of all parties to promote the building of roads into unoccupied regions by land grants, and there have been built in this way about 15,000 miles of railway, and indirectly the building of about as much more has been promoted, and how many millions of acres have been thus granted away since 1850—from that time down to 1866, the last land grant—it is hard to tell. It was begun and long continued when our people were eager to extend the building of railroads and develop the country. For the last fifteen years Congress has been as intently engaged in forfeiting the unearned land grants of railroads not built. In this House we have passed many bills forfeiting land grants on the ground that the railroads for which the lands were granted were not constructed within the date named in the act granting the lands. I have voted for these bills, together with my associates on this floor, many times. Why have they not become law?

The Senate, since the decision of the Supreme Court in the *Schulenberg* case, has adhered to the policy of only forfeiting the lands opposite those parts of the railroad which were not completed at the time the bill was passed which declared the forfeiture. Many able jurists in the Senate and elsewhere have contended that the building of the road in good faith, even though they were unable to complete it within the time named, prevented the forfeiture of the grant so far as the road was built and in operation. Others have hesitated to join us in passing laws forfeiting land grants, as it might lead to distress to the settlers who would go on the forfeited lands only to be ousted and finally driven away by the decisions of the courts declaring the forfeitures invalid as to lands lying along the lines actually built, though built after the date named in the land-grant law.

There is a familiar instance of settlers disturbed and distressed in the *Des Moines River Valley* case, on which we have passed several bills of relief, where settlers, acting on what they believed to be the authority of the Government and pursuant to law, went upon lands which they lost after long and costly litigation. I must admit, strongly as I have been inclined to see these lands all forfeited and restored to the Government and the settlers, that the decisions of the courts have tended to show that we have not power to forfeit lands opposite railroads which had been actually constructed according to all the terms of the land grant, except the one condition that they did not get it done within the time named in the land-grant act.

But I was willing to go as far as possible, and therefore I have voted for bills forfeiting land grants in all cases where the roads were not built, and in nearly every case where, though they were built, they were not completed within the time specified in the original act. I was willing to try the question and pass the law, and then see if it was not good law. Many of these bills have failed though they have passed the House. Now, we have a bill which the Senate conferees have agreed to, and it will be not merely a bill passed by the House, but in a few days a law, and take all these lands described in the bill from the railroads and restore them to the public domain and the people. By try-

ing to get too much in bills of this kind heretofore we have failed to get what was at the time within reach.

The House tried a general forfeiture bill on the Northern Pacific Railroad a few years ago, substituting it as an amendment for a Senate bill, which forfeited many millions of acres along that portion of the Northern Pacific not then built. The House substituted a general forfeiture extending back to Bismarck and taking the lands for many hundreds of miles along the line of the road actually built. Then that bill failed in the Senate. The Northern Pacific immediately went to building farther and has since secured a great quantity of these lands by the construction of the road through them and thus coming under the decisions of the Supreme Court. Had we promptly passed the Senate bill at that time three years ago we would have secured for the people all the lands along the line where the road had not yet been built.

We could then have passed separately a House bill for general forfeiture, and I endeavored at the time to have these measures separated and moved the substitution on the day of the final passage in the House, but ineffectually. I have been in favor of every measure to recover these public lands in recent years, for I believed the time had passed when it was necessary to give any aid from the public lands in building railroads and it was a wise policy to save them for settlers. The best system of land-holding for the general good is in small ownerships, and this is reached under our public-land system, limiting the purchaser or homesteader to enough for a moderate farm. But the railroads have disposed of their grants in many cases to syndicates and large holders, which is contrary to wise public policy.

The system of the subdivision of the holding of lands in moderate amounts increases the number of families living in homes which they own, of independent farmers, and this element is the stay of the Republic. The tendency of the time in every other kind of business than farming is to concentration, putting the direction and ownership in fewer hands and doing the world's work, trading, manufacturing, transportation, mining, by wholesale, in vast manufacturing establishments, enormous mercantile houses, combines of various kinds in which the larger are eating up or absorbing the smaller. Fortunately this tendency is checked or seems to be inconsistent with the fixed laws of nature's economy when we come to farming, which has proven unchangeable in its conditions and resisted all the influences that have overborne other industries in modern times.

The small farmer in the region where I live can do more with land, which with us is generally pretty high-priced compared to Eastern lands, than can a large landholder, who has to make a great investment for purchase. It has been our observation in Illinois where men purchased lands in large quantities, adding farm to farm, that the neighbors did not have very long to wait until it was all sold and distributed again, generally at forced sale and at very moderate prices. The large holdings which have been purchased by syndicates along the lines of the railroads in the far West are not desirable in the system of settling a new country. Let the lands go in quarter sections from the public domain to the settler and every 160 acres be owned as the independent home of a family, cultivating their own land.

Mr. PAYSON. I yield four minutes to the gentleman from Oregon [Mr. HERMANN].

Mr. HERMANN. Much anxiety, Mr. Speaker, is expressed by those who are opposed to the adoption of this conference report in behalf of the interests of settlers. Permit me to say to those gentlemen that if they were sincerely anxious to advance the interests of the railroad corporations they could not do them more substantial service than they are at the present time in asking for further delay upon this great and important legislation.

Already we have discovered most painfully, and to the lasting detriment of the progress of much of the West—the Northwest particularly—what delays in this House have already occasioned. Gentlemen have only to be reminded that pending the adjournment between the long and short sessions of the Fiftieth Congress over 2,000,000 acres of land of the Northern Pacific were earned absolutely and earned while we were doubting and dilly-dallying upon what course to pursue in this body. The settlers do not want further delays. The railroad corporations, it is natural to suppose, do want further time in order that they may go on and earn and finally obtain the balance of the magnificent grants made to them.

It is not so much a mere restoration, Mr. Speaker, of the 7,000,000 acres of land to the public domain that we are to consider; it is more than that. It is the confirmation of title to 100,000 homes of American citizens, most of them homeless people, who are to-day desirous of obtaining them and who have for many years been vainly endeavoring to obtain them. It means, sir, even more. It means the removal of a long-continued obstruction to the progress and development of the immense country embraced within these unearned grants. It means the establishing of schools, the opening of roadways, the reorganization of counties, the cheapening of present land prices, the populating and prospering of the best parts of the Union, a considerable portion of which is still largely uninhabited and a waste.

As one, Mr. Speaker, who represents a very large constituency of settlers and in whose State is located at least 2,000,000 acres of the

land which is now involved, I say that it is the desire of these settlers, every one of them, that immediate action shall be taken by Congress, and further I say that their sympathies are in the line of the conference report.

In the two States of Oregon and Washington nearly 4,000,000 acres of the grants will be restored to the people. Long and loudly have we pleaded for this, and had our demands been earlier recognized this forfeiture would have embraced many millions of acres which have since been earned. Had Congress agreed even as late as three years past, the entire grant of the Cascade division of the Northern Pacific would have been restored, with its splendid timber, its rich minerals, and its fertile and extensive pasture lands. Those who pretended to be the most loyal friends of the settlers were, so far as the results were concerned, the most useful allies of the railroad corporations.

"The proof of the pudding is in the eating." It is results that count, and it is by this rule that the people have a right to judge of their representatives.

Now it is again asked that another delay be had and that this conference report be resubmitted to the conference committee with various instructions. Sir, if I am to judge this move by what I have observed here for six years past, I might infer that only delay and further disappointment for the long waiting people are intended. But whatever be the motive, whether good, bad, or indifferent, the result is the same: delay, uncertainty, and the retarding of our Western progress. I have referred to the efforts we have so long made for this forfeiture. Memorials of legislative bodies, of boards of trade, of municipal bodies, and long petitions have been presented. I unrolled a petition from my seat in this Chamber which contained upon it the actual signatures of three thousand people—residents, settlers, and business men along the unearned grant of the Northern Pacific—all asking for an early forfeiture.

But with all this we were doomed to defeat; Congress after Congress assembled and adjourned, only to repeat the failure, until the people become heartsick with promises and fair-sounding speeches. It seemed as if the people had no longer any power to wrest from the reluctant grasp of corporations the lands so clearly unearned by them. No legislation has been so dilatory and so reluctantly granted, and no delay so injurious and so far-reaching in its consequences to the people.

But now I am glad to think the hour of victory has arrived, and the country enjoys a like assurance. I hold in my hand numerous newspapers and letters from the region of country along the Columbia River and they all manifest a spirit of deep rejoicing upon the progress which this forfeiture measure has thus far reached. I select an extract from one journal, the Weekly Budget, of Lexington, Oregon, as a good illustration of the rejoicing of others. In double-lined lines it reads:

AT LAST!—NORTHERN PACIFIC RAILROAD LAND GRANT FORFEITED.—TIDINGS OF JOY.—HOMES FOR HOME-SEEKERS.—SUSPENSE ENDED.—ODD-NUMBERED SECTIONS TO BE THROWN OPEN.—JUSTICE FOR CLAIMANTS.—RIGHTS OF THE SETTLERS TO BE FULLY RECOGNIZED.—MORROW COUNTY TO THE FRONT.—THE BLIGHT OF "RAILROAD LAND" NO LONGER A BAR TO SETTLEMENT AND DEVELOPMENT OF THE BUNCHGRASS HILLS.

"The mills of the gods grind slowly." Congress is not one of the mills of the gods, but in the matter of railroad land forfeiture it has been very slow.

For years forfeiture has been promised at every session. Disappointment has again and again been the portion of the settlers. They bravely hoped for relief until hope was a mockery. Sullen despair took possession of them.

"Railroad land" was a blight and a curse.

It was not railroad land.

It was not Government land.

It was no man's land; for none could give and none could acquire title to it.

Forfeiture bills were the playthings of Congressional politicians. Buncombe forfeiture speeches were made to fool the settlers and catch suckers. Monster petitions from settlers accomplished nothing.

Delay.

Promises.

Delay.

At last the Fifty-first Congress took hold of the matter with an air of business. Forfeiture seemed probable, but settlers refused to expect it.

They had been disappointed too often.

But it is done.

THE
GRANT
IS
FORFEITED!

It is an actual fact.

It seems too good to be true.

The conference report passed the Senate last Tuesday.

News of the bare fact was received here last evening. No details are available at this moment, but there can be no doubt that it is all solid.

That settles it.

No more "railroad land."

No more prohibited odd sections.

No more uncertainty about ownership.

Uncle Sam can now give every man a title to his home.

The country can now, let us hope, be congratulated that at last the time has arrived when what little there is left of the immense grants from the public domain will be restored to the people. This Congress can adjourn, feeling that of all its legislation none will be hailed with a more heartfelt and grateful response from thousands and thousands of poor home-seekers than this important act in the interest of the people of the nation.

Mr. PAYSON. Mr. Speaker, I ask for the previous question on the adoption of the report.

Mr. ANDERSON, of Kansas. I rise to a parliamentary inquiry.

The SPEAKER. Has it relation to the previous question?

Mr. ANDERSON, of Kansas. No; it is simply this: Whether if this report be not adopted it would then be in order to move to instruct the conferees to have inserted section 7 of this bill?

The SPEAKER. The Chair thinks it would.

Mr. WHEELER, of Alabama. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WHEELER, of Alabama. At what period would a motion be in order to recommit?

The SPEAKER. At no period.

The question was taken on ordering the previous question; and the Speaker announced that the ayes seemed to have it.

Mr. WHEELER, of Alabama. Division.

The House divided; and there were—ayes 93, noes 10.

Mr. WHEELER, of Alabama. No quorum.

The SPEAKER. The Chair thinks there is a quorum present. [After counting.] One hundred and sixty-eight members are present—a quorum.

Mr. WHEELER, of Alabama. Tellers.

The SPEAKER. The ayes have it, and the previous question is ordered.

Mr. WHEELER, of Alabama. Can I have tellers on that vote?

The SPEAKER. The gentleman can not. The question is on the adoption of the report.

The question was put; and the Speaker announced that the ayes seemed to have it.

Mr. WHEELER, of Alabama. Division.

The House divided; and there were—ayes 107, noes 21.

Mr. LACEY. Yeas and nays.

The question was taken on ordering the yeas and nays.

The SPEAKER. Eight gentlemen have arisen in support of the demand for the yeas and nays—not a sufficient number.

Mr. WHEELER, of Alabama. The other side, Mr. Speaker.

The other side was counted.

The SPEAKER. Fifty and more; not a sufficient number. The ayes have it, and the conference report is adopted.

Mr. PAYSON. I move to reconsider the vote by which the report of the committee of conference was adopted; and also move that the motion to reconsider be laid on the table.

The SPEAKER. The gentleman from Illinois moves to reconsider the vote by which the conference report was adopted, and also moves that the motion to reconsider be laid on the table. Without objection, the latter motion will be agreed to.

Mr. WHEELER, of Alabama. I object.

The question was taken on the motion to lay the motion to reconsider on the table; and the Speaker announced that the ayes seemed to have it.

Mr. WHEELER, of Alabama. Division.

The House divided; and there were—ayes 112, noes 17.

Mr. WHEELER, of Alabama. Tellers.

The question was taken on ordering tellers.

The SPEAKER. Eleven gentlemen have arisen in support of the demand for tellers—not a sufficient number; tellers are refused, and the ayes have it.

Mr. WHEELER, of Alabama. No quorum. [Cries of "Too late!"]

The SPEAKER. The gentleman should have made that point at the time the vote was taken.

Mr. WHEELER, of Alabama. I made the point at the time the Speaker announced the vote.

The SPEAKER. The gentleman did not make it at the time the vote was taken, and it is now too late. The ayes have it, and the motion to lay the motion to reconsider on the table is agreed to.

ORDER OF BUSINESS.

Mr. DICKERSON. I ask unanimous consent to take from the Speaker's table the bill (S. 4322) to authorize the construction of a bridge across the Kentucky River and its tributaries by the Louisville, Covington and Cincinnati Railway Company, the Carrollton and Louisville Railroad Company, and the Westport, Carrollton and Covington Railway Company and their assigns. A bill identical with the Senate bill has been reported to the House.

Mr. HEMPHILL rose.

Mr. ENLOE. Mr. Speaker, I rise to present a privileged matter.

The SPEAKER. The Chair will recognize the gentleman from South Carolina [Mr. HEMPHILL].

Mr. HEMPHILL. I desire to present a conference report.

Mr. GROUT. I hope the gentleman will yield to me that I may make a request.

Mr. HEMPHILL. I yield in order that the gentleman may make a request.

Mr. GROUT. On behalf of the Committee on the District of Columbia, I wish to renew the request that time may be given for the presentation of certain District matters. As stated on yesterday, there are

certain bills which ought by all means to be passed this session, and if we can have, say, three hours' time, or perhaps two hours and a half, we can dispose of a large number of them I am sure.

Mr. O'NEILL, of Pennsylvania. Can we dispose of the bill relative to the Baltimore and Potomac Railroad?

Mr. GROUT. I expect we could not.

Mr. O'NEILL, of Pennsylvania. Then there had better be an extension of the time.

Mr. GROUT. Well, it seems to me a great deal better to ask for permission to do what we should be able to do.

The SPEAKER. The gentleman asks unanimous consent for what?

Mr. GROUT. I was about to state that the gentleman who objected on yesterday told me that he did so because he wanted that the Committee on the District of Columbia should have a day and wished to compel the Committee on Rules to give us a day. The committee, of course, would be very glad to have a day, but I had not supposed that we could get one. Conforming now to the gentleman's wishes, and also to the wishes of other gentlemen on the floor, one of whom just now prompts me, I ask unanimous consent that to-morrow, after the approval of the Journal, three hours be given to the consideration of such matters as the District Committee may present.

Mr. ANDERSON, of Kansas. You do not propose to except any bill, I understand.

Mr. GROUT. I do not expect that we shall call up any bills that will be objected to, unless the House should so order.

Mr. ANDERSON, of Kansas. Well, unless the Pennsylvania Railroad bill is excepted from the order, I object.

Mr. BREWER. Mr. Speaker, whatever arrangement is made must not interfere with conference reports. I should object to any arrangement that would do that.

Mr. O'NEILL, of Pennsylvania. I shall object unless I know that this committee will first call up the unfinished business which was reported from the Committee on the District of Columbia and is now pending; I mean the bill relative to the Baltimore and Potomac Railroad.

Mr. GROUT. Mr. Speaker, for the last four months not a bill relating to District affairs has passed this House. Everything has been blocked by one single measure, a measure which every member of the House knows can not be disposed of in a single day. Now, I want the House to understand the facts, and then the responsibility will rest upon them. There are nearly forty bills reported from the Committee on the District of Columbia upon the Calendar and unacted upon, some of which are of a very urgent character.

The SPEAKER. And the gentleman, the Chair understands, asks consent only for those bills that are not objected to.

Mr. GROUT. That is all.

Mr. O'NEILL, of Pennsylvania. I shall object, Mr. Speaker, unless the bill to which I have referred, upon which the previous question is pending, shall be first taken up and passed. That bill has been kept back by the gentleman [Mr. GROUT] and his friends on the District of Columbia Committee for weeks and months.

Mr. GROUT. Mr. Speaker, on the first two occasions when that bill was under consideration I called it up myself, and for the last two months I have been away. Gentlemen certainly ought not to complain of the action of the District Committee on that matter, since all other District business has been made to stand aside for it and four months have been given to the consideration of that one measure.

Mr. O'NEILL, of Pennsylvania. That was through the fault of the gentleman and his friends on the committee, Mr. Speaker.

Mr. ANDERSON, of Kansas. Well, the Pennsylvania Railroad ought not to occupy all the time of the House.

Mr. GROUT. Then I will ask for an evening session from 8 to half past 11 to-morrow evening.

Mr. O'NEILL, of Pennsylvania. That is pension night, and I shall object.

Mr. GROUT. Well, this evening, then.

Mr. O'NEILL, of Pennsylvania. I object.

Several MEMBERS. Regular order.

The SPEAKER. The regular order is called for. The Clerk will read the conference report presented by the gentleman from South Carolina [Mr. HEMPHILL].

ROCK CREEK PARK, DISTRICT OF COLUMBIA.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 4) authorizing the establishing of a public park in the District of Columbia, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House of Representatives, and agree to the same with an amendment in the nature of a substitute, as follows:

That a tract of land lying on both sides of Rock Creek, beginning at Klinge Ford Bridge and running northwardly, following the course of said creek, of a width not less at any point than 600 feet nor more than 1,200 feet, including the bed of the creek, of which not less than 200 feet shall be on either side of said creek, south of Broad Branch road and Blagden Mill road, and of such greater width north of said roads as the commissioners designated in this act may select, shall be secured, as hereinafter set out, and be perpetually dedicated and set apart as a public park or pleasure ground for the benefit and enjoyment of

the people of the United States, to be known by the name of Rock Creek Park: *Provided, however*, That the whole tract so to be selected and condemned under the provisions of this act shall not exceed 2,000 acres, nor the total cost thereof exceed the amount of money herein appropriated.

"Sec. 2. That the Chief Engineer of the United States Army, the engineer commissioner of the District of Columbia, and three citizens to be appointed by the President, by and with the advice and consent of the Senate, be, and they are hereby, created a commission to select the land for said park, of the quantity and within the limits aforesaid, and to have the same surveyed by the assistant to the said engineer commissioner of the District of Columbia in charge of public highways, which said assistant shall also act as executive officer to the said commission.

"Sec. 3. That the said commission shall cause to be made an accurate map of said Rock Creek Park, showing the location, quantity, and character of each parcel of private property to be taken for such purpose, with the names of the respective owners inscribed thereon, which map shall be filed and recorded in the public records of the District of Columbia, and from and after the date of filing said map the several tracts and parcels of land embraced in said Rock Creek Park shall be held as condemned for public uses, and the title thereof vested in the United States, subject to the payment of just compensation, to be determined by said commission and approved by the President of the United States: *Provided*, That such compensation be accepted by the owner or owners of the several parcels of land.

"That if the said commission shall be unable by agreement with the respective owners to purchase all of the land so selected and condemned within thirty days after such condemnation at the price approved by the President of the United States, it shall, at the expiration of such period of thirty days, make application to the supreme court of the District of Columbia, by petition, at a general or special term, for an assessment of the value of such land as it has been unable to purchase.

"Said petition shall contain a particular description of the property selected and condemned, with the name of the owner or owners thereof, if known, and their residences, as far as the same may be ascertained, together with a copy of the recorded map of the park; and the said court is hereby authorized and required, upon such application, without delay, to notify the owners and occupants of the land, if known, by personal service, and if unknown by service by publication, and to ascertain and assess the value of the land so selected and condemned by appointing three competent and disinterested commissioners to appraise the value or values thereof, and to return the appraisal to the court; and when the value or values of such land are thus ascertained, and the President of the United States shall decide the same to be reasonable, said value or values shall be paid to the owner or owners, and the United States shall be deemed to have a valid title to said land; and if in any case the owner or owners of any portion of said land shall refuse or neglect, after the appraisal of the cash value of said lands and improvements, to demand or receive the same from said court, upon depositing the appraised value in said court to the credit of such owner or owners, respectively, the fee-simple shall in like manner be vested in the United States.

"Sec. 4. That said court may direct the time and manner in which possession of the property condemned shall be taken or delivered, and may, if necessary, enforce any order or issue any process for giving possession.

"Sec. 5. That no delay in making an assessment of compensation, or in taking possession, shall be occasioned by any doubt which may arise as to the ownership of the property, or any part thereof, or as to the interests of the respective owners. In such cases the court shall require a deposit of the money allowed as compensation for the whole property or the part in dispute. In all cases as soon as the said commission shall have paid the compensation assessed or secured its payment by a deposit of money under the order of the court, possession of the property may be taken. All proceedings hereunder shall be in the name of the United States of America and managed by the commission.

"Sec. 6. That the commission having ascertained the cost of the land, including expenses, shall assess such proportion of such cost and expenses upon the lands, lots, and blocks situated in the District of Columbia, specially benefited by reason of the location and improvement of said park, as nearly as may be, in proportion to the benefits resulting to such real estate.

"If said commission shall find that the real estate in said District directly benefited by reason of the location of the park is not benefited to the full extent of the estimated cost and expenses, then they shall assess each tract or parcel of land specially benefited to the extent of such benefits as they shall deem the said real estate specially benefited. The commission shall give at least ten days' notice, in one daily newspaper published in the city of Washington, of the time and place of their meeting for the purpose of making such assessment and may adjourn from time to time till the same be completed. In making the assessment the real estate benefited shall be assessed by the description as appears of record in the District on the day of the first meeting; but no error in description shall vitiate the assessment: *Provided*, That the premises are described with substantial accuracy. The commission shall estimate the value of the different parcels of real estate benefited as aforesaid and the amount assessed against each tract or parcel, and enter all in an assessment book. All persons interested may appear and be heard. When the assessment book is completed it shall be signed by the commission or a majority (which majority shall have power always to act), and be filed in the office of the clerk of the supreme court of the District of Columbia. The commission shall apply to the court for a confirmation of said assessment, giving at least ten days' notice of the time thereof by publication in one daily newspaper published in the city of Washington, which notice shall state in general terms the subject and the object of the application.

"The said court shall have power, after said notice shall have been duly given, to hear and determine all matters connected with said assessment; and may revise, correct, amend, and confirm said assessment, in whole or in part, or order a new assessment, in whole or in part, with or without further notice or on such notice as it shall prescribe; but no order for a new assessment in part, or any partial adverse action, shall hinder or delay confirmation of the residue or collection of the assessment thereon. Confirmation of any part of the assessment shall make the same a lien on the real estate assessed.

"The assessment, when confirmed shall be divided into four equal installments and may be paid by any party interested in full or in one, two, three, and four years, on or before which times all shall be payable, with 6 per cent. annual interest on all deferred payments. All payments shall be made to the Treasurer of the United States, who shall keep the account as a separate fund. The orders of the court shall be conclusive evidence of the regularity of all previous proceedings necessary to the validity thereof, and of all matters recited in said orders. The clerk of said court shall keep a record of all proceedings in regard to said assessment and confirmation. The commission shall furnish the said clerk with a duplicate of its assessment book, and in both shall be entered any change made or ordered by the court as to any real estate. Such book filed with the clerk, when completed and certified, shall be *prima facie* evidence of all facts recited therein. In case assessments are not paid as aforesaid the book of assessments, certified by the clerk of the court, shall be delivered to the officer charged by law with the duty of collecting delinquent taxes in the District of Columbia, who shall proceed to collect the same as delinquent real-estate taxes are collected. No sale for any installment of assessment shall discharge the real estate from any subsequent installment; and proceedings for subsequent installments shall be as if no default had been made in prior ones.

"All money so collected may be paid by the Treasurer, on the order of the commission, to any persons entitled thereto as compensation for land or services. Such order on the Treasurer shall be signed by a majority of the commission and shall specify fully the purpose for which it is drawn. If the proceeds of assessment exceed the cost of the park the excess shall be used in its improvement, under the direction of the officers named in section 8, if such excess shall not exceed the amount of \$10,000. If it shall exceed that amount that part above \$10,000 shall be refunded ratably. Public officers performing any duty hereunder shall be allowed such fees and compensation as they would be entitled to in like cases of collecting taxes. The civilian members of the commission shall be allowed \$10 per day each for each day of actual service. Deeds made to purchasers at sales for delinquent assessments hereunder shall be *prima facie* evidence of the right of the purchaser, and any one claiming under him, that the real estate was subject to assessment and directly benefited, and that the assessment was regularly made, that the assessment was not paid, that due advertisement had been made, that the grantee in the deed was the purchaser or assignee of the purchaser, and that the sale was conducted legally. "Any judgment for the sale of any real estate for unpaid assessments shall be conclusive evidence of its regularity and validity in all collateral proceedings except when the assessment was actually paid, and the judgment shall estop all persons from raising any objection thereto, or to any sale or deed based thereon which existed at the date of its rendition and could have been presented as a defense to the application for such judgment.

"To pay the expenses of inquiry, survey, assessment, cost of lands taken, and all other necessary expenses incidental thereto, the sum of \$1,200,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated: *Provided*, That one-half of said sum of \$1,200,000, or so much thereof as may be expended, shall be reimbursed to the Treasury of the United States out of the revenues of the District of Columbia, in four equal annual installments, with interest at the rate of 3 per cent. per annum upon the deferred payments: *And provided further*, That one-half of the sum which shall be annually appropriated and expended for the maintenance and improvement of said lands as a public park shall be charged against and paid out of the revenues of the District of Columbia, in the manner now provided by law in respect to other appropriations for the District of Columbia, and the other half shall be appropriated out of the Treasury of the United States.

"Sec. 7. That the public park authorized and established by this act shall be under the joint control of the commissioners of the District of Columbia and the Chief of Engineers of the United States Army, whose duty it shall be, as soon as practicable, to lay out and prepare roadways and bridge paths, to be used for driving and for horseback riding, respectively, and footways for pedestrians; and whose duty it shall also be to make and publish such regulations as they deem necessary or proper for the care and management of the same. Such regulations shall provide for the preservation from injury or spoliation of all timber, animals, or curiosities within said park, and their retention in their natural condition, as nearly as possible."

LOUIS E. ATKINSON,
JNO. J. HEMPHILL,
Managers on the part of the House.
JNO. J. INGALLS,
ANTHONY HIGGINS,
ISHAM G. HARRIS,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

The managers on the part of the House submit the following explanation of the report of the committee of conference on Senate bill No. 4, authorizing the establishing of a public park in the District of Columbia:

The Senate conferees agreed to recede from the disagreement of the Senate to the amendments of the House and to report a substitute containing practically all the provisions of the bill as it passed the House.

It became necessary to prepare a substitute because of the many verbal and other amendments that had to be adopted to make the bill as amended by the House complete and congruous.

The first amendment adopted by the House provided that the park south of Broad Branch road and Blagden Mill road should be not less than 1,200 feet in width, including the bed of the creek, "of which not less than 300 feet should be on either side of said creek, nor less than 600 feet on either side of said creek."

This was manifestly a mistake, and the committee of conference adopted as a substitute for this a provision that the width of that portion of the park should not be more than 1,200 feet nor less than 600 feet, of which not less than 200 feet should be on either side of said creek.

That makes the provision clear and carries out the intention of the House as the committee understood it.

The second amendment relates to the commission.

As the bill passed the House two commissions were provided for, one by section 2 of the original bill and one by the amendment offered by the gentleman from Illinois, Mr. PAYSON; and the duties imposed upon these two commissions were conflicting. The committee has provided for a commission of five persons and placed upon it all the duties laid upon the two commissions by the House bill as amended.

The amendment offered by the gentleman from Illinois, Mr. PAYSON, and adopted by the House made necessary a change in the plan of condemning and paying for the property selected by the commission.

Sections 3 and 4 of the House bill, which set out the mode of condemnation, were stricken out by the committee of conference, and section 3 of the substitute bill was inserted in their stead.

In making these changes we have adopted the plan followed by the House for the condemnation of the zoological park as near as practicable.

Section 6 of the substitute provides for the assessment of the value of the land taken upon the property directly benefited.

It is the same provision as was contained in section 7 of the bill as it passed the House except as to some verbal amendments and one relating to the payment of persons whose lands may be taken.

The committee were satisfied that the Government could not take the private property of the citizen without paying him for it, and as the House had provided that the benefits assessed upon the property directly benefited should be paid in one, two, three, and four years, and as the District appropriation bill, as agreed on in conference, exceeds the revenues of the District for this fiscal year, there seemed to be no alternative but to allow the District to borrow from the General Government temporarily that portion of expense required of the District, and that the same be paid in equal annual installments with interest at 3 per cent.

This plan has been agreed on by the committee and made a part of the substitute bill.

The numerous verbal amendments need not be specified in detail, as they do not alter the bill in any material way.

LOUIS E. ATKINSON,
JOHN J. HEMPHILL,
Managers on the part of the House.

The SPEAKER. The question is on the adoption of the report.

Mr. BUCHANAN, of New Jersey. Mr. Speaker, I would like to get some information from the gentleman [Mr. HEMPHILL] who has

presented this report before the vote is taken. I gather from the statement attached to this conference report that it will be necessary, in case this project goes through, for the District of Columbia to borrow temporarily from the General Government a certain amount of money to pay for the property to be condemned for the purposes of this park. Am I correct in that?

Mr. HEMPHILL. I will state to the gentleman that at the time this report was prepared we were in the last fiscal year, and we put that provision in it because the appropriation seemed to carry all the money that was then in the District treasury.

Mr. BUCHANAN, of New Jersey. Then am I correct in understanding the gentleman to say that it will not be necessary for the District to borrow money for this purpose?

Mr. HEMPHILL. No, I can not say that it will not be necessary during this fiscal year. We have provided in the bill that the District may borrow the money at 3 per cent.

Mr. BUCHANAN, of New Jersey. That is what I am trying to get at, whether if this park is established it necessitates the District making a loan and paying for the land.

Mr. HEMPHILL. It does.

Mr. BUCHANAN, of New Jersey. To what extent?

Mr. HEMPHILL. To the extent of one-half the amount.

Mr. BUCHANAN, of New Jersey. What is the amount?

Mr. HEMPHILL. Twelve hundred thousand dollars.

Mr. BUCHANAN, of New Jersey. Then if this bill becomes a law it will be necessary for the District of Columbia to borrow \$600,000 to pay for this land.

Mr. HEMPHILL. Yes sir.

Mr. BUCHANAN, of New Jersey. Does the gentleman think the District ought to do that?

Mr. HEMPHILL. I do; and the House has practically agreed to that already by a large vote. I will say to the gentleman that the value of the improvement to adjacent property is to be assessed upon that property, which assessment the bill passed by the House allows the owners of the property to pay in four annual installments. Until the revenue comes in from the assessments upon the benefited property there must be a borrowing by the District.

Mr. BUCHANAN, of New Jersey. And the General Government, which forces this park upon people of the District, generously compels them to pay interest meanwhile.

Mr. HEMPHILL. It may be generous or not, as the gentleman may look at it.

Mr. BUCHANAN, of New Jersey. I do not think it is.

Mr. HEMPHILL. Well, that has already been agreed upon.

Mr. BUCHANAN, of New Jersey. I opposed the proposition when it was up before.

Mr. CANNON. I wish to inquire of the gentleman from South Carolina [Mr. HEMPHILL] whether the conference committee took into consideration the necessity or propriety of increasing the rate of taxation in this District, so that this park may be established and the legitimate expenses of the District in other directions may be borne.

Mr. HEMPHILL. That matter was in a general way discussed, but the conference committee, I would suppose, had no authority to provide for levying any additional tax; such levy must be made by separate action.

Mr. CANNON. It seems to me that when a conference committee submits a report which necessitates an expenditure of \$1,200,000 and a large expenditure in perpetuity, the committee could at least have submitted a proposition to raise the necessary funds: first, by borrowing (which has been provided for) and, secondly, by levying a tax to pay for this property which you think it wise to buy.

Mr. HEMPHILL. Well, Mr. Speaker, the increase that has taken place in the value of property in this District on account of the street railroads and various other improvements will certainly bring about the collection of a very large additional revenue, though the rate of assessment may remain the same. But, of course, I can not figure on that until the returns come in.

Mr. CANNON. I have been hearing statements of that kind for a great many years; but somehow the expenditures for one thing and another seem to increase a little faster than the revenues, notwithstanding the growth and improvement of the city.

Mr. HEMPHILL. Well, I will join the gentleman in trying to regulate that matter by any bill which may come up here.

Mr. CANNON. I would be very glad if this report could be sent back to the conference committee, so that between now and next December they may ascertain, first (and they can tell by that time), what the revenues ought to be for this fiscal year; secondly, if those revenues should not be sufficient to purchase this park or the District's share of it, then to ascertain to what extent taxation should be increased for the purpose of meeting this expenditure. It seems to me that in the closing days of this session of Congress, with the revenues of the District for the fiscal year unascertained, it would be wise either to let this conference report go over without final action or to vote the report down and send the matter back to the conference committee, that fuller inquiry may be made and the result embodied in a report at the beginning of the next session.

Mr. HEMPHILL. Well, Mr. Speaker—

Mr. STONE, of Kentucky. In addition to what has been said by the gentleman from Illinois [Mr. CANNON], I would like to suggest that this conference committee be directed to report some plan by which the Government of the United States can be assured of the repayment of this money.

Mr. HEMPHILL. Why, under this bill there is no doubt in the world in regard to that; it is just as clear as the nose on a man's face.

Mr. STONE, of Kentucky. What sort of security has the Government in that respect?

Mr. HEMPHILL. It has the right to levy special assessments upon the adjoining property in proportion to the benefit of this improvement, and not only adjoining property, but all property directly benefited.

Mr. HOPKINS. And does not the expense so levied become a lien on the property?

Mr. HEMPHILL. Oh, yes; and it bears interest. Under this bill we simply provide for a temporary loan as to a large part of the expense for the purpose of getting control of this property at once, instead of waiting until it shall be more valuable.

Mr. STONE, of Kentucky. Do you regard it as a wise thing for the Government to enter into the business of lending money to cities, corporations, or anybody else?

Mr. HEMPHILL. No, I do not say it is wise for the Government to enter into any such business; but I do say that when the Government undertakes to govern the Capital of the nation and to legislate for it through Congress and undertakes to bear half the expenses of the government of the city, it is wise and proper to make such financial arrangements as will save the people expense.

Mr. KERR, of Iowa. If the assessments on the adjacent property do not cover this expense, then there is no other provision at all for meeting it.

Mr. HEMPHILL. No, sir; the Government stands whatever part of the expense may not be recovered from the property-owners; but from the best information I can gather (of course I can not tell what is going to be ascertained as the value of the property) the amount of actual expense to the Government under this bill will be comparatively small. And some gentlemen say it will be nothing. Of course I simply give my opinion, founded upon the best information I can gather.

Mr. HOPKINS. It must be something.

Mr. HEMPHILL. There have been instances in this country where every cent of the expense of a park of this kind has been assessed on the adjoining property and it was thought a wise thing.

Mr. KERR, of Iowa. Has that ever happened except in a single instance in Chicago?

Mr. HEMPHILL. I can cite that one case of my own knowledge.

Mr. ADAMS. There were three instances in Chicago.

Mr. BUCHANAN, of New Jersey. This bill as now reported provides, I understand, for a loan by the Government to the District; and as security for that loan there is the contingency that money may be obtained by assessments levied upon the property which may be benefited, property adjoining or elsewhere. I understand the gentleman from South Carolina to say that there is no other contingency under which repayment of this loan may be assured; and he calls this a slight expense. Now I want to ask the gentleman this question: Does he not know that every Democratic newspaper will charge this amount of \$1,200,000 to the sum total of appropriations made by Congress this year? Does he not know that the orators of his party will flaunt this from every stump as a part of the "wasteful extravagance of a Republican Congress?"

Mr. HEMPHILL. Well, if any Democratic orator or Democratic newspaper chooses to make capital out of this, that is something they have a right to do, as a matter of course. But I will state here, and I will state anywhere, that I think it a wise and judicious expenditure, and in so far as my knowledge goes of the business of the District of Columbia I have never known money spent which, in my judgment, will be of more benefit to the people of the country and of the District than this. I believe it will save hundreds of thousands of dollars and give many benefits in addition. That is my honest conviction.

Mr. BUCHANAN, of New Jersey. Then I am authorized to quote that in opposition to such statements of Democratic orators or newspapers?

Mr. HEMPHILL. You are, so far as I am concerned.

Mr. HILL. Let me ask the gentleman a question. If I remember the reading of the report, the bill provides in substance, that upon making a map or plat of the proposed park and filing it of record the title shall pass to the United States.

Mr. HEMPHILL. Provided the money is paid.

Mr. HILL. Well, it says "subject to the payment of compensation as hereinafter provided."

Mr. HEMPHILL. Yes, sir; but the money must be paid before the title passes. Provision is made that when the hands of the Government is laid on the property it shall remain in *status quo* until the money is paid.

Mr. HILL. You do not understand, then, that it passes title before the compensation is made?

Mr. HEMPHILL. Not at all. On the contrary, we considered that fully, and were satisfied that we could not appropriate any man's property until he was paid for it.

Mr. JOSEPH D. TAYLOR. Let me ask the gentleman whether the people who are to pay the assessment levied upon their property, by the supposed increase of value which will accrue from this park, are in favor of the passage of the bill and are consenting to the proposition to lay out a park to take possession of a portion of their property.

Mr. HEMPHILL. Well, I do not know exactly who the owners of the property will be. Some are in favor of the park provided it is located in one place and some are in favor of it at another place; but the majority have expressed no decided conviction, I think.

Mr. JOSEPH D. TAYLOR. They have not been here protesting against it?

Mr. HEMPHILL. No, sir; not at all.

Mr. JOSEPH D. TAYLOR. And the plan has been made public for some time?

Mr. HEMPHILL. Oh, yes; it has been a matter of consideration for a long time.

The SPEAKER. The question is on the adoption of the report.

The question was taken; and the Speaker announced that the report was adopted.

Mr. HOLMAN. I demand a division.

Mr. HEMPHILL. Let me state this, Mr. Speaker: The Senate has practically agreed to the House bill except that the form of the bill has been necessarily changed to meet the action of the House itself. Gentlemen will remember the amendment of the gentleman from Illinois which was inserted in the bill and we were obliged to shape the bill so as to make it symmetrical in order to conform to that action. Now, I think the best thing to do is to adopt this provision as we have got it. It is about the first time that the Senate has agreed to anything we have done here, and we had better take advantage of it and make the most of it.

The SPEAKER. The Chair will remind the gentleman that the House is dividing.

Mr. McADOO. Let me ask the gentleman from South Carolina this question: Whether the Senate have changed the boundaries provided in the House bill?

Mr. HEMPHILL. Practically not at all.

The SPEAKER. The Chair will again remind gentlemen that the House is dividing, and the question is on the adoption of the report, on which the gentleman from Indiana demands a division.

The question was taken; and upon a division, there were—ayes 90, noes 41.

Mr. HOLMAN. No quorum.

Mr. ANDERSON, of Kansas, and Mr. KERR, of Iowa, demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 123, nays 65, not voting 137; as follows:

YEAS—123.

Adams,	Dolliver,	Miles,	Sawyer,
Arnold,	Dorsey,	Miller,	Scranton,
Atkinson, Pa.	Evans,	Milliken,	Scull,
Atkinson, W. Va.	Farquhar,	Moffitt,	Simonds,
Baker,	Flood,	Moore, N. H.	Smith, W. Va.
Banks,	Gear,	Morey,	Smyser,
Bartine,	Gifford,	Morrill,	Spooner,
Beckwith,	Greenhalge,	Morse,	Stephenson,
Belknap,	Grosvonor,	Mudd,	Stivers,
Bingham,	Grout,	Mutchler,	Stockbridge,
Boothman,	Hall,	Niedringhaus,	Stump,
Brewer,	Hansbrough,	Nute,	Sweeney,
Brosius,	Harmer,	O'Neil, Mass.	Taylor, E. B.
Browne, Va.	Hatch,	O'Neill, Pa.	Taylor, J. D.
Buckalew,	Hayes,	Osborne,	Thomas,
Burton,	Hemphill,	Owens, Ohio	Townsend, Colo.
Caldwell,	Henderson, Iowa	Payne,	Townsend, Pa.
Candler, Mass.	Hermann,	Perkins,	Tracey,
Carter,	Hill,	Pickler,	Vandever,
Caswell,	Hitt,	Post,	Van Schalk,
Clark, Wis.	Hooker,	Pugsley,	Waddill,
Cogswell,	Kennedy,	Quackenbush,	Walker,
Coleman,	Ketcham,	Raines,	Wallace, Mass.
Comstock,	Kinsey,	Ray,	Wallace, N. Y.
Conger,	Knapp,	Reilly,	Wheeler, Mich.
Crain,	Langston,	Reyburn,	Wike,
Cutcheon,	Lehlbach,	Rife,	Wilkinson,
Dalzell,	Lodge,	Rockwell,	Wilson, Wash.
De Lano,	Mason,	Roswell,	Wright,
Dibble,	McComas,	Rusk,	Yoder,
Dickerson,	McKenna,	Russell,	

NAYS—65.

Abbott,	Cannon,	Culberson, Tex.	Haynes,
Anderson, Kans.	Caruth,	Cummings,	Heard,
Anderson, Miss.	Clancy,	Dunnell,	Henderson, Ill.
Barwig,	Clarke, Ala.	Dunphy,	Herbert,
Bergen,	Clements,	Featherston,	Holman,
Blount,	Cobb,	Fitch,	Hopkins,
Brookshire,	Covert,	Flick,	Kelley,
Brower,	Cowles,	Forney,	Kerr, Iowa
Buchanan, N. J.	Craig,	Haugen,	Kilgore,

Lacey,
Latham,
Laws,
Lind,
McClellan,
McCormick,
McDuffie,
McMillin,

Moore, Tex.
O'Donnell,
O'Ferrall,
Payson,
Pennington,
Pierce,
Quinn,
Reed, Iowa

Richardson,
Bayers,
Seney,
Sherman,
Shively,
Stewart, Tex.
Stockdale,
Taylor, Ill.

Thompson,
Turner, Ga.
Wheeler, Ala.
Whitthorne,
Williams, Ohio.

NOT VOTING—137.

Alderson,
Allen, Mich.
Allen, Miss.
Andrew,
Bankhead,
Barnes,
Bayne,
Belden,
Biggs,
Blanchard,
Bland,
Bliss,
Boatner,
Boutelle,
Bowden,
Breckinridge,
Brickner,
Brown, J. B.
Browne, T. M.
Brunner,
Buchanan, Va.
Bullock,
Bunn,
Burrows,
Butterworth,
Bynum,
Campbell,
Candler, Ga.
Carlton,
Catehings,
Chandle,
Chentham,
Chipman,
Clunie,
Connell,

Cooper, Ind.
Cooper, Ohio
Cothran,
Crisp,
Culbertson, Pa.
Dargan,
Darlington,
Davidson,
De Haven,
Dingley,
Dockery,
Edmunds,
Ellis,
Enloe,
Ewart,
Finley,
Fithian,
Flower,
Forman,
Fowler,
Frank,
Funston,
Geissenhainer,
Gest,
Gibson,
Goodnight,
Grimes,
Hare,
Henderson, N. C.
Houk,
Kerr, Pa.
La Follette,
Laidlaw,
Lane,
Lansing,

Lawler,
Lee,
Lester, Ga.
Lester, Va.
Lewis,
Magner,
Malsh,
Mansur,
Martin, Ind.
Martin, Tex.
McAdoo,
McCarthy,
McClammy,
McCord,
McCrary,
McKinley,
McRae,
Mills,
Montgomery,
Morgan,
Morrow,
Norton,
Ontes,
O'Neill, Ind.
Outhwaite,
Owen, Ind.
Parrett,
Paynter,
Peel,
Perry,
Peters,
Phelan,
Price,
Randall,
Robertson,

Rogers,
Rowland,
Sanford,
Skinner,
Smith, Ill.
Snider,
Spinola,
Springer,
Stahnecker,
Stewart, Ga.
Stewart, Va.
Stone, Ky.
Stone, Mo.
Struble,
Tarancy,
Taylor, Tenn.
Tillman,
Tucker,
Turner, Kans.
Turner, N. Y.
Vaux,
Wade,
Washington,
Whiting,
Wickham,
Wiley,
Willcox,
Williams, Ill.
Wilson, Ky.
Wilson, Mo.
Wilson, W. Va.
Yardley.

So the report was adopted.

The following pairs were announced until further notice:

Mr. DARLINGTON with Mr. PEEL.
Mr. WADE with Mr. DOCKERY.
Mr. FRANK with Mr. BLAND.
Mr. McKENNA with Mr. CLUNIE.
Mr. COOPER, of Ohio, with Mr. WILSON, of Missouri.
Mr. McCORD with Mr. FITHIAN.
Mr. BLISS with Mr. CHIPMAN.
Mr. BUTTERWORTH with Mr. OUTHWAITE.
Mr. BOWDEN with Mr. McRAE.
Mr. FINLEY with Mr. CANDLER, of Georgia.
Mr. EWART with Mr. HENDERSON, of North Carolina.
Mr. WILSON, of Kentucky, with Mr. PAYNTER.
Mr. THOMAS M. BROWNE with Mr. ROGERS.
Mr. WRIGHT with Mr. GEISSENHAINER.
Mr. YARDLEY with Mr. KERR, of Pennsylvania.
Mr. PETERS with Mr. MANSUR.
Mr. DE HAVEN with Mr. BIGGS.
Mr. CONNELL with Mr. ALDERSON.
Mr. BARTINE with Mr. WILLIAMS, of Illinois.
Mr. OWEN, of Indiana, with Mr. JASON B. BROWN.
Mr. ALLEN, of Michigan, with Mr. WHITING.
Mr. BELDEN with Mr. FLOWER.
Mr. McKINLEY with Mr. MILLS.
Mr. McCREARY with Mr. DARGAN, on this bill.
Mr. STRUBLE with Mr. TILLMAN, on this bill.
Mr. COTHMAN with Mr. STONE, of Kentucky, on this bill.
Mr. HOUK with Mr. ENLOE, on this vote.
Mr. BARTINE. I am announced as being paired with the gentleman from Illinois. That pair refers only to the tariff bill.
Mr. McKENNA. I am announced as paired with my colleague, Mr. CLUNIE. In accordance with an understanding between us in regard to such bills, I have voted.

The result of the vote was then announced as above recorded.

Mr. HEMPHILL moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced that the Senate had passed without amendment a bill (H. R. 8943) to provide for the establishment of a port of delivery at Peoria, Ill.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 728) in recognition of the merits and services of Chief Engineer George Wallace Melville, United States Navy, and the other officers and men of the Jeannette Arctic expedition;

A bill (S. 1531) for the relief of the estate of John Ericsson;

A bill (S. 3441) supplementary to an act entitled "An act to au-

thorize the construction of the Baltimore and Potomac Railroad in the District of Columbia ;"

A bill (S. 3482) to provide for a term of the circuit and district court at Littleton, N. H. ;

A bill (S. 4354) to refer to the Court of Claims certain claims of the Shawnee and Delaware Indians and the freedmen of the Cherokee Nation, and for other purposes; and

A bill (S. 4403) to provide an American register for the steamer Joseph Oteri, Jr., of New Orleans, La.

The message further announced that the Senate disagreed to the amendment of the House to the bill (S. 3716) to provide for the examination of certain officers of the Army and to regulate promotions therein, asked a conference with the House thereon, and had appointed Mr. HAWLEY, Mr. MANDERSON, and Mr. COCKRELL conferees on the part of the Senate.

The message further announced that the Senate requested the House to return to the Senate the bill (H. R. 11773) granting an increase of pension to Mrs. Mary B. Cushing.

The message further announced that the Senate insisted upon its amendments to the bill (H. R. 11459) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1890, and for prior years, and for other purposes, disagreed to by the House, disagreed to the amendment of the House to the amendment of the Senate numbered 10, and agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HALE, Mr. ALLISON, and Mr. COCKRELL conferees on the part of the Senate.

PUBLIC LANDS FOR CEMETERY PURPOSES.

Mr. PAYSON. Mr. Speaker, I rise to present a privileged report.

Mr. PAYNE. Mr. Speaker, I rise to present a privileged report.

The SPEAKER *pro tempore*. The gentleman from New York [Mr. PAYNE] is recognized.

Mr. ENLOE. Mr. Speaker, I rise to present a privileged question of a higher order than a conference report, a question reflecting upon the integrity of an officer of this House. I rise to present a resolution directing an investigation of charges against the Postmaster of this House for peculation in office. I desire to have the resolution read, and to address myself to the Chair on the question of privilege.

The SPEAKER. The Chair understands that the gentleman from New York [Mr. PAYNE] has been recognized by the recent occupant of the chair to present a report which is also a privileged one.

Mr. ENLOE. I understand that anything which affects the dignity or integrity of the House or its officers is a matter of higher privilege than an ordinary conference report, and I desire to present this resolution so that it may be acted upon by the House. I shall take very little time in the presentation of it.

Mr. PAYSON. I rise to a parliamentary inquiry. I premise the inquiry by the statement that I hold in my hand a report from a conference committee, and I desire to inquire whether under the rules of the House the report of a conference committee is not of a higher privilege than the question presented by the gentleman from Tennessee. I will say to the gentleman from Tennessee that I do not make this inquiry with a view to retarding any progress that he desires to make; but if, in a parliamentary way, this matter which I hold in my hand is of a higher privilege, then I desire to present it for consideration.

Mr. ENLOE. I want to address the Chair upon that point, Mr. Speaker, as to whether or not this is a question of higher privilege.

The SPEAKER. The Chair thinks there is no question but that the conference report is superior. The gentleman's matter will come in at the proper time.

Mr. ENLOE. I understand the Chair to rule that a resolution to investigate an officer of the House, bringing charges respecting his integrity, is not a matter of higher privilege than a conference report.

The SPEAKER. The rule is specific upon that point.

Mr. ENLOE. I will be very glad to have the rule read.

Mr. PAYSON. I hold in my hand Rule XXIX, which covers the question. I will ask the Clerk to read it for the information of the gentleman from Tennessee.

The Clerk read as follows:

The presentation of reports of committees of conference shall always be in order, except when the Journal is being read, while the roll is being called, or the House is dividing on any proposition.

Mr. ENLOE. Mr. Speaker, I admit that that is a rule of the House, but the order of precedence in which questions of privilege shall be considered is entirely a different matter; and when I rise to present a question of privilege and some other gentlemen rise to present questions of privilege, it becomes the duty of the Chair to decide which question of privilege has precedence in the House. Now I desire to call the attention of the Chair to Rule IX, which says:

Questions of privilege shall be, first, those affecting the rights of the House collectively, its safety, its dignity, and the integrity of its proceedings.

The SPEAKER. There is no difficulty about this matter. After the conference report is disposed of anything else will be in order.

Mr. ENLOE. I understand that, Mr. Speaker, but I prefer to have

this disposed of now. And I think under the rule I am entitled to have it disposed of now.

The SPEAKER. Undoubtedly the theory on which the rule with reference to conference reports was framed is that a conference report is necessary in order to consummate action of the two Houses. That was the reason why it was given a higher preference.

Mr. ENLOE. Do I understand the Chair to say that a conference report is a question of higher privilege than any other question of privilege that can be raised?

The SPEAKER. The Chair understands that the Speaker of the last House [Mr. CARRISLE] decided that a conference report had precedence even over an election case.

Mr. ENLOE. Then I submit to the decision of the Chair.

The SPEAKER. Also precedence over a motion to adjourn; and the gentleman from Tennessee [Mr. ENLOE] will not undertake to say that his resolution would have precedence over a motion to adjourn, unless the motion was made for a dilatory purpose.

Mr. PAYNE. Mr. Speaker, I was recognized to present a report from the Special Committee on the Accounts of the Sergeant-at-Arms, which had leave to report at any time.

The SPEAKER. Yes, but the gentleman from Illinois [Mr. PAYSON] has a conference report; and that has precedence over the gentleman from New York.

The Clerk will read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 8247) to authorize entry of the public lands by incorporated cities and towns for cemetery and park purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment to said bill and agree to the following in the nature of a substitute: Strike out all after the enacting clause and insert:

"That incorporated cities and towns shall have the right, under rules and regulations prescribed by the Secretary of the Interior, to purchase for cemetery and park purposes not exceeding one quarter-section of public lands not reserved for public use, such lands to be within 3 miles of such cities or towns: *Provided*, That when such city or town is situated within a mining district, the land proposed to be taken under this act shall be considered as mineral lands, and patent to such land shall not authorize such city or town to extract mineral therefrom, but all such mineral shall be reserved to the United States, and such reservation shall be entered in such patent."

L. E. PAYSON,

E. J. TURNER,

W. S. HOLMAN,

Managers on the part of the House.

P. B. PLUMB,

H. M. TELLER,

E. O. WALTHALL,

Managers on the part of the Senate.

The statement submitted by the House conferees is as follows:

The Senate amendment, which the conference report agrees to, changes the House bill in this, by providing that the Secretary of the Interior shall make rules and regulations as to the acquiring of the lands for cemetery and park purposes; and also adds the provision as to mineral lands, reserving such mineral to the United States, to prevent prospecting therefor in the cemeteries or parks acquired, without further action by Congress.

Mr. PAYSON. Mr. Speaker, the statement which the Clerk has just read explains as well as I can do it, without more extended remarks, the operation of the Senate amendment. The House met this exigency under existing law, and there was no method by which, in the neighborhood of public lands, any town or city could secure on the public lands a piece of ground for cemetery or park purposes. In order to reach that difficulty the House bill was passed, in substance giving them the right. The Senate has amended it by providing that any acquisition of land for this purpose shall be under such regulations as the Secretary of the Interior may prescribe; and further, that if any land taken for cemetery purposes shall ultimately turn out to be mineral in character, to prohibit prospecting for any minerals thereon, except on further action of Congress. This is a very simple provision, but it meets a want of the extreme Northwest that can only be met by legislation of this kind, and therefore I ask the adoption of the conference report. [Cries of "Vote!" "Vote!"]

The report of the committee of conference was agreed to.

Mr. PAYSON moved to reconsider the vote by which the conference report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RETURN OF HOUSE BILL TO THE SENATE.

The SPEAKER laid before the House the following request of the Senate; which was read, considered, and agreed to:

IN THE SENATE OF THE UNITED STATES, September 24, 1890.

Ordered, That the Secretary be directed to request the House of Representatives to return to the Senate House bill 11773, granting an increase of pension to Mrs. Mary B. Cushing.

ANNOUNCEMENT OF CONFEREES.

The SPEAKER announced as conferees on the disagreeing votes of the two Houses on the bill (H. R. 64) to limit the time to six years within which suits may be brought against accounting officers and the sureties on their official bonds, Mr. CASWELL, Mr. MCCORMICK, and Mr. HOLMAN.

The following conferees were also announced on the bill (H. R. 789)

opening to settlement a portion of the Fort Randall military reservation in South Dakota: Mr. PAYSON, Mr. TURNER of Kansas, and Mr. HOLMAN.

SALLIE DOUGLASS HARTRANFT.

Mr. MORRILL. Mr. Speaker, I desire to present the conference report which I send to the Clerk's desk.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1840) granting a pension to Mrs. Sallie Douglass Hartranft, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows: That the House recede from its amendment to the said bill, and agree to the same.

E. N. MORRILL,

S. A. CRAIG,

C. LEWIS,

Managers on the part of the House.

C. K. DAVIS,

P. SAWYER,

Managers on the part of the Senate.

The statement of the House conferees is as follows:

The Senate passed the bill (S. 1840) granting a pension to Mrs. Sallie Douglass Hartranft, at the rate of \$100 per month. In the House the bill was amended making the rate \$50 per month. The effect of the report of the conference is to leave the rate of pension as fixed by the Senate.

E. N. MORRILL,

S. A. CRAIG.

Mr. KERR, of Iowa. Mr. Speaker, it does not seem that the House has gained anything. There is no concession at all on the part of the Senate as shown by this report; and it seems to me when a conference is granted by the House, that the committee on the part of the House at least should require some concession on the part of the Senate. I hope the report of the committee of conference will not be adopted. [Cries of "Vote!" "Vote!"]

The report of the committee of conference was adopted.

Mr. BINGHAM moved to reconsider the vote by which the report of the committee of conference was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SETTLERS ON NORTHERN PACIFIC INDEMNITY LANDS.

Mr. PAYSON. Mr. Speaker, I have another conference report which I now present.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5939) for the relief of settlers on Northern Pacific Railroad indemnity lands, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate, and agree to the same with an amendment as follows:

"That those persons who, after the 15th day of August, in the year of our Lord 1887, and before the 1st day of January, in the year 1889, settled upon, improved, and made final proof on lands in the so-called second indemnity belt of the Northern Pacific Railroad Company's grant under the homestead and pre-emption laws of the United States, or their heirs, may transfer their said entries from said tracts to such other vacant surveyed Government land in compact form and in legal subdivisions, subject to entry under the homestead and pre-emption laws, as they may select, and receive final certificates and receipts therefor, in lieu of the tracts proved upon in said belt by the respective claimants: *Provided*, That such transfer of entry shall be made and completed within twelve months from the date of the passage of this act, and be so made in person by the claimant, or in case of death, by his legal representative, and without the intervention of agent or attorney.

"Sec. 2. That all persons possessing the requisite qualifications under the pre-emption or homestead laws, who in good faith settled upon and improved land in said second indemnity belt, having made filing or entry of the same, and for any reason, other than voluntary abandonment, failed to make proof thereon, may, in lieu thereof, within one year after the passage of this act, transfer their claims to any vacant surveyed Government land subject to entry under the homestead or pre-emption laws, and make proof therefor as in other cases provided; and in making such proof credit shall be given for the period of their bona fide residence and amount of their improvements upon their respective claims in the said indemnity belt, the same as if made upon the tract to which the transfer is made: *Provided*, That no final entry shall be permitted, except upon proof of continuous residence upon the land, the subject of such new entry, for a period of not less than three months prior thereto. Payment for said final selection shall be made as under existing laws. The provisions of this act shall be carried into effect under such rules and regulations as may be prescribed by the Secretary of the Interior."

L. E. PAYSON,

D. S. HALL,

W. S. HOLMAN,

Managers on the part of the House.

P. B. PLUMB,

J. H. BERRY,

Managers on the part of the Senate.

Mr. PAYSON. To many members this conference report is one of no very great importance in a general way, but it is of interest to four hundred settlers who went upon lands in Northern Minnesota which are embraced within what is commonly known as the second indemnity belt of that railroad grant. In the act of Congress giving the grant of land to the Northern Pacific Railroad Company there was a provision that land on either side of the granted land 5 miles in width should be reserved out of which any losses that the company might sustain by reason of legislation might be made good. Subsequently Congress passed another act providing for a second indemnity belt in Wisconsin and Minnesota of 5 miles in width. Some time ago a question was raised in the Interior Department as to whether or not in the two legislations in reference to this belt there was a restriction on the first indemnity

belt that I have named, and the Secretary of the Interior decided at that time that under existing law the railroad company had no right to enter land in what is known as the second indemnity belt. Thereupon the people who are the beneficiaries in this bill, settled under the general land law, went upon various quarter-sections in the second indemnity belt and made their homesteads.

Subsequently the question was reviewed in the Interior Department, and the last decision, and beyond doubt the accurate one, is that the railroad company are entitled to make selection of indemnity lands in the second as well as the first indemnity limit, and that the withdrawal of that indemnity land was a legal withdrawal. Thus these settlers were deprived, by reason of the second decision overruling the first, of their right under the settlement law, and this bill only allows those who made settlement upon the lands in good faith and were qualified so to do to make settlement upon other lands within a year, the time fixed in the bill, and to be allowed upon those other lands the benefit of the length of time that they resided as settlers upon the land upon which it has been decided that they had no right to make entry. That is all there is of the bill. The conferees are unanimous in recommending its passage. Nobody is benefited, nor does the Government lose anything by this operation. I ask that the report be adopted.

The report of the committee of conference was adopted.

Mr. PAYSON moved to reconsider the vote by which the conference report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CHARGES AGAINST THE POSTMASTER OF THE HOUSE.

Mr. ENLOE. Mr. Speaker, I rise to a privileged question, and I ask to have read the resolution which I send to the desk.

The Clerk read as follows:

Whereas it is alleged that James L. Wheat, Postmaster of the House of Representatives, whose duty it is under the law to let the contract for carrying the mail of the House, did enter into a private agreement with one Samuel Culbertson, by which said Wheat did agree to let said contract to said Culbertson for the sum of \$5,000 per annum on condition that the said Culbertson should pay to him, the said Wheat, the sum of \$150 per month out of the money to be received by the said Culbertson from the Government for the said service; and

Whereas it is alleged that the said James L. Wheat did receive the said sum of \$150 per month for five months or more from the said Culbertson under said unlawful agreement; Therefore,

Resolved, That the Committee on the Post-Office and Post-Roads be and is hereby directed to investigate the said charges against the said James L. Wheat, and such other matters as pertain to his administration of the post-office of the House of Representatives, and the said committee is hereby empowered to send for persons and papers, and to administer oaths for the purposes of this investigation. The said committee is hereby directed to report the facts to the House at the earliest date possible, together with such recommendations as they may deem advisable in the premises.

The SPEAKER. The Chair would suggest that the committee named in the resolution is not the one that usually makes such investigations.

Mr. BINGHAM. Mr. Speaker, I am of opinion that there is nothing in the organization of the Committee on the Post-Office and Post-Roads that could send a resolution of that character to that committee unless it were sent there by special direction of the House.

Mr. CASWELL. But the House has a right to send the resolution to any committee, and I suppose there will be no objection to sending this to the Committee on the Post-Office and Post-Roads.

Mr. HOPKINS. Mr. Speaker, if that resolution is to be adopted I would like to have it amended so as to let the committee inquire into the action of the Democratic Postmaster of the last House on the same subject. I move to so amend the resolution.

Mr. ENLOE. Mr. Speaker, I believe I have the floor.

The SPEAKER. The gentleman from Tennessee has the floor.

Mr. ENLOE. In reference to the suggestion of the Chair as to the committee which is directed by the resolution to make this investigation, I will state that my reason for naming that committee was that I thought the subject to be investigated came more within the line of their jurisdiction than within that of any other committee; and as the Chair, in the selection of the special committee to make investigation of the charges against the Commissioner of Pensions thought that the Committee on Invalid Pensions and the Committee on Pensions would furnish the best material, so I thought there might be matters connected with this investigation which the members of the Committee on the Post-Office and Post-Roads would probably know more about than the members of any other committee of the House. I selected the committee for that reason, and, as I understand, it is perfectly competent to the House to instruct any committee to make this investigation.

The SPEAKER. The Chair in making its suggestion had in mind the fact that such investigations have usually been made by the Committee on Accounts.

Mr. HOPKINS. Mr. Speaker, I move to amend the resolution—

Mr. ENLOE. I have not yielded the floor.

The SPEAKER. The gentleman from Tennessee has the floor.

Mr. ENLOE. Mr. Speaker, I want to say a few words, in the first place, on the subject of the resolution before we come to the question of amending it, although I have no desire to prevent any amendment of the resolution which will give us any light upon this subject. My

information is that this Postmaster when he went into office awarded the contract for carrying the mail, as it was his duty to do under the law, and he awarded it to this man Culbertson for the sum of \$5,000 per annum, which is the full amount appropriated.

The money is appropriated, I believe, in the usual language, "the sum of \$5,000 or so much thereof as may be necessary;" but of course the law contemplates that the Postmaster shall let the contract on as favorable terms to the Government as possible. It seems, however, that this Postmaster thought this was a perquisite of his office, and therefore he entered into an agreement with Culbertson by which the latter agreed to return to Mr. Wheat \$150 per month of the money which the Government paid him for this service. That was the condition of his getting the contract. It was clearly a case of bargain between them—peculation in office, it seems to me—certainly a violation of law. I do not think it can be said that a man who is fit to be Postmaster of the House of Representatives could be ignorant that he was violating the law when he entered into such contract as that. I do not think the facts as alleged in the resolution are denied. I understand that the Postmaster received for five months \$150 per month, amounting to the sum of \$750, but that the sixth month the contractor was a little pressed for money, and the Postmaster agreed to let him hold it that month and pay it the next month.

And when the next month's pay was due to the contractor from the Government for this service there was \$300 due to Mr. Wheat. The fact then, it seems, came to the knowledge of other persons than the contractor and the Postmaster. The Clerk of the House [Mr. McPherson] having learned that some such agreement existed, refused to issue the check to the contractor. And so the contractor is to-day standing in the attitude of owing Mr. Wheat on that contract \$300 out of his monthly allowance of \$416.66. Mr. Wheat, the Postmaster, has received \$750, which, as I understand, was taken by him and paid into the Treasury and credited to the miscellaneous or conscience fund. This sum of \$416.66 for one month's service has never been drawn from the Treasury; and there is perhaps no way in which it can be drawn under the circumstances except by an appropriation to pay the contractor.

Mr. BINGHAM. The gentleman will allow me to inquire whether this contract does not undergo the supervision and approval of the Committee on Accounts of the House.

Mr. ENLOE. That possibly may be so; but that does not justify any speculation on the part of the officer.

Mr. BINGHAM. I am not undertaking to justify anything; I am speaking with regard to the appropriate reference of this resolution. My point is that the Committee on the Post-Office and Post-Roads has nothing to do with the question of the administration of the postal affairs of this House; that the matter belongs to the Committee on Accounts.

Mr. ENLOE. It is not material to me, I will say to the gentleman, to what committee this matter shall go. If the Committee on Accounts is the proper committee, very well; I have no objection to sending the matter to any proper committee of the House for investigation.

Mr. RICHARDSON. Will the gentleman yield to me a moment?

Mr. ENLOE. Yes, sir.

Mr. RICHARDSON. I wish to say that the question now pending is not the question of reference. If it were, then we could properly consider whether under the rules the matter should go to the Committee on the Post-Office and Post-Roads or to the Committee on Accounts. But this resolution instructs a committee of the House to make an investigation—

Mr. ENLOE. And indicates the committee.

Mr. RICHARDSON. And the rules do not prescribe what committee shall be required to make the investigation. It is in order to direct the Committee on the Post-Office and Post-Roads to make the investigation, although upon a proposition for reference the subject might be referred to a different committee.

Mr. BINGHAM. Allow me to make one statement in explanation of the position I have taken. The Committee on the Post-Office and Post-Roads embraces fifteen members. It is with great difficulty at this stage of the session, with business as it is, and when gentlemen are watching their measures here, to get a quorum of the committee together. The Committee on Accounts, to which I claim this resolution should properly be referred, is a smaller committee and can be much more easily convened.

Mr. ENLOE. I recognize the difficulty of which the gentlemen speak—

The SPEAKER. All that question is at the disposal of the House.

Mr. ENLOE. Yes; and I will say that I propose to modify my resolution so as to send this investigation to the Committee on Accounts for the very reason that the gentleman suggests, and which I fully recognize, because it is difficult to get any of the larger committees together at this stage of the session, and I think this matter should receive prompt attention.

Mr. HOPKINS. Will the gentleman from Tennessee allow me a question?

Mr. ENLOE. Certainly.

Mr. HOPKINS. Has the gentleman any objection to having this

resolution modified or amended so as to include an inquiry into the practices of the Postmaster of the House during the last Congress?

Mr. ENLOE. I suppose, Mr. Speaker, if there is any gentleman here who is prepared to charge and has evidence showing that there is anything to investigate in regard to that matter, it would be all right. So far as I am concerned, I want the resolution broad enough to secure a thorough investigation of the management of that office, and I do not care to limit it.

Mr. HOPKINS. My reason for making the suggestion is this: I understand that this contract which the gentleman claims is an unlawful one is a contract which came down from the Postmaster of the House in the last Congress, and that if there is anything wrong in it, it is something that was inherited from the gentleman who presided over the House post-office in the preceding Congress.

Mr. ENLOE. That is a question for the committee to determine.

Mr. HOPKINS. The resolution as offered is not broad enough to cover that.

Mr. ENLOE. If it is charged that there was any such agreement between the late Postmaster and the contractor as is alleged in the present instance, then I admit it would be a proper subject of investigation; but the contract as it stood between the contractor and the predecessor of Mr. Wheat has not, as I understand, been impeached. There is nobody here making any allegation of that character against the administration of the office by Mr. Dalton. If there is anybody here who has any evidence to adduce showing that that matter ought to come within the scope of this investigation, I am not the man who would undertake to prevent the investigation of a Democratic official. I believe that every member on this floor will agree with me that if there is any office about this Capitol or under the control of this House the administration of which has not been honestly conducted, every particular in regard to the matter that can be ascertained ought to be ascertained and the information furnished to the House.

Mr. BLOUNT. I wish to ask my friend whether he does not think that to include in this matter the administration of the Postmaster of a former House would be likely to result in the delay of this particular investigation, and whether this is not a matter in which the present House is directly concerned.

Mr. ENLOE. I will make this reply to the gentleman: It seems to me that if the former administration of our post-office is to be investigated the gentleman who may have information showing that it needs investigation is the man to move a resolution for that purpose. I would not undertake to get up here and move to investigate the administration of any officer unless I had facts upon which to base the investigation. Until I had inquired into this matter, consulted witnesses, and learned all the facts that I could ascertain I did not offer this resolution. But I am justified by the facts which appear in offering it now; and I will modify the resolution so that it will provide that the Committee on Accounts may make the investigation instead of the Committee on the Post-Office and Post-Roads.

Mr. Speaker, I shall reserve the remainder of my time for the present.

Mr. CASWELL. Mr. Speaker, I think this resolution should be so modified as to include the investigation of the Postmaster of the Fiftieth Congress, because of the fact that I understand this was a contract made by him in all of its illegal parts—

Mr. HOPKINS. If illegal at all.

Mr. CASWELL. If illegal at all, and which descended upon the present Postmaster of the House, and which contract expired in June and not when he commenced, in December last.

I understand this \$150 per month was claimed to be a perquisite of the Postmaster in addition to the regular salary of \$2,500 that pertains to the office of Postmaster of the House, and I believe that for several Congresses back at least this has been the practice in that office.

There was a sum appropriated, the sum of \$5,000 each year, for carrying the mails or furnishing teams to carry the mails about the city, and that sum has been uniformly, or for several years past, used in that way—that the postmasters of the House have been in the habit of "squeezing" the contractors, if you may so use the term, to a certain extent, a hundred dollars or a hundred and fifty dollars a month, as the case may be, as a part of their perquisites for the responsibility of having charge of the service and the custody of the mails which came to the House.

Mr. BLOUNT. Will the gentleman permit a question just here?

Mr. CASWELL. Let me make my statement first and I will yield to the gentleman with pleasure.

I understand further that after this had run along in this manner for four or five months under the present administration of the post-office of the House the present Postmaster became satisfied, when he had become thoroughly familiar with the duties of the office, that it was not a proper and legal perquisite, and he thereupon took counsel, which counsel, as well as other persons, advised him that it was not a legal perquisite and did not belong to the office, and that thereupon he covered every dollar of it into the Treasury of the United States and took a receipt for it; and that he holds the receipt for such payments now; and further, that there is not in his hands one single dollar of money that does not belong to him. [Applause on the Republican side.]

Mr. HEARD. If the gentleman will yield to me for a moment—

Mr. CASWELL. I will yield for a question.

Mr. HEARD. I desire to ask the gentleman this question: I believe the gentleman said that his understanding is this, that the practice to which reference is made in this resolution obtained not only with regard to the administration of the immediate predecessor of the present Postmaster, but that it has been the practice for several Congresses back.

Mr. CASWELL. I so understand.

Mr. HEARD. I submit, then, that it is clearly competent for us to investigate the acts of the present Postmaster on charges presented as in this case; and if the fact the gentleman from Wisconsin states appears during the course of that investigation, then the inquiry can and should be extended further.

Mr. HOUK. Mr. Speaker, I make the point of order that we can not hear a word of what is being said.

The SPEAKER. The gentleman from Missouri will suspend until gentlemen resume their seats.

Mr. HEARD. Mr. Speaker, the question I desired to ask the gentleman from Wisconsin was this: If the fact which he understands to exist with reference to the acts of the former Postmaster be made to appear in the investigation which is proposed by the pending resolution, would it not then be timely and proper to extend back the investigation so as to embrace as many terms of Congress as this practice is believed to have prevailed in? For, I submit, if the practice has obtained heretofore, or obtains now, it ought to be ascertained and stopped. I believe the investigation should proceed according to the terms of the resolution as amended, and if then the fact to which the gentleman from Wisconsin refers, and which he understands to exist, appears to exist, the time will have arrived to extend the investigation, and not before; and in that case, I say, let the investigation go back as far as necessary to reach every Postmaster who practiced that system. But at present we should only deal with the question that is before us.

Mr. CASWELL. Mr. Speaker, I see no reason to delay investigating a former Postmaster if the facts be material, and I know of no reason why it should not be embodied in this resolution; and much more so because this very contract with which the present Postmaster had to deal came down to him as an inheritance, having been made by the former Postmaster of the House under a practice which, if I am correctly informed, had extended back for several years.

Mr. JOSEPH D. TAYLOR. Is it not true that a resolution was introduced in the last Congress to investigate the Public Printer, and on the other side the motion was made to include his predecessor at that time too?

Mr. CASWELL. I do not remember.

Mr. JOSEPH D. TAYLOR. It was done, and the amendment was adopted.

Mr. CASWELL. That might be so.

Now, Mr. Speaker, it seems to me quite essential, in view of the fact that the contract was inherited, under instructions, it may appear from the former Postmaster of the House and his employes, that it was a legal and a proper perquisite of his office, and which may furnish some excuse to this man, who was new in the business, for having pursued the same course, and regarding this contract as a sort of perquisite of the office; under any such belief as that, and I am satisfied he thought that it belonged to him as a matter of right, for the responsibilities incurred in that service—I say under such circumstances it is exceedingly important that the investigation should extend back and see where this contract did come from. It seems necessary to include the investigation of the former Postmaster, and I am not here to say that Mr. Dalton took any money he did not think honestly belonged to him as a part of his business. I should doubt it very much, though he may be entirely honest in doing it.

Mr. ENLOE. I would like to ask the gentleman a question. I would like to know—

The SPEAKER. The Chair can not hear gentlemen on account of the disorder.

Mr. ENLOE. I would like to know of the gentleman from Wisconsin [Mr. CASWELL] if he thinks that the salary—

The SPEAKER. Will gentlemen please be in order? Will gentlemen have the kindness to take their seats and cease conversation?

Mr. ENLOE. I wanted to ask the gentleman from Wisconsin if he thinks, or if he pretends to say in defense of this Postmaster or any other that he believes any man charged with the duty of letting a contract for the carrying of the mail, as in this instance, is ignorant enough or has been ignorant enough to believe that he had a right to take a part of the appropriation made by the Government to pay contractors for carrying the mail, and put it into his pocket as a perquisite, as a compensation to him for the responsibility he assumed in taking the office?

Mr. CASWELL. Mr. Speaker, I can not account for the ignorance of anybody, but I can well see how he might think he had a right to receive all that was received by his predecessor, until he became familiar with the office.

Mr. ENLOE. Does the gentleman assert that he knows that the Postmaster himself knew that his predecessor did receive this money?

Mr. CASWELL. I am so informed; and I am informed that it was

explained to him by either the Postmaster or some of his assistants and by this contractor that this sum of \$150 was a part of his perquisites. I am so informed; I know nothing of the facts myself. And I believe that the present Postmaster, for the period of time in which he received this money, thought that it legally belonged to him for being responsible for the custody and care of the teams and the wagons and the safe conduct of the mails, but I do not think that it was the correct practice, and he became satisfied that it was not the correct practice and that it did not belong to him, and as soon as he was so satisfied he returned this money to the Treasury, where it belonged, and instead of making a contract for the present service at \$5,000 a year, which has been the uniform appropriation and amount paid for a long series of years, he has, I understand it, now made a contract for carrying the mails and furnishing these teams for \$4,000, thereby saving to the Government \$1,000 a year for this service, and this he did months ago of his own accord.

Mr. HEARD. Will my friend allow me to suggest—

Mr. HOPKINS. Mr. Speaker—

The SPEAKER. The gentleman from Wisconsin has the floor.

Mr. HEARD. I desire to ask my friend from Wisconsin [Mr. CASWELL] if he will not modify his suggestion so as to embrace not only the preceding Postmaster, but also preceding Postmasters, if his object is to inquire whether this was an established practice. I insist that it is a disgraceful practice, I do not care how far back it has gone. We should try to reach the beginning of it if we go back of the present official. Do not let us stop with the present nor the immediately preceding one, nor at any limited time, but let the investigation go back as far as the custom may be shown to have existed.

Mr. CASWELL. I am quite willing, Mr. Speaker, that those gentlemen should extend this investigation back to the beginning of the Christian era, if they please. I do not care as to that, and I shall not oppose that. I yield to the gentleman from Illinois [Mr. HOPKINS].

Mr. HOPKINS. I offer the following amendment to the resolution offered by the gentleman from Tennessee [Mr. ENLOE].

The Clerk read as follows:

Amend by adding the following:
"Said committee are hereby authorized to extend said examination to the acts of the Postmaster of the House during the Forty-ninth and Fiftieth Congresses on all matters referred to in the foregoing resolution."

Mr. HEARD. I move to amend by striking out "Forty-ninth and Fiftieth" and inserting the words "preceding Congresses."

Mr. HOLMAN. Mr. Speaker—

Mr. HOPKINS. Mr. Speaker, the reason I limited it to the Forty-ninth and Fiftieth Congresses is that the same Postmaster held the position during both those Congresses. From the statement of the gentleman from Wisconsin [Mr. CASWELL] it seems that there was an existing contract in force that came to him, that did not expire until last June, and it seems to me that that covers the entire ground.

Mr. ENLOE. Will the gentleman from Illinois yield for a question? I would like to ask the gentleman from Illinois [Mr. HOPKINS], if he is going to try to find out who inaugurated this practice and whether it was inaugurated under this Postmaster, would it not be well not to limit the scope of investigation and let the committee pursue the matter as far as they may find it necessary to do it to fix the responsibility?

Mr. HOPKINS. The gentleman a few minutes ago thought we did not even have time enough to investigate the Postmaster during the preceding Congress. Now, it seems that gentlemen are desirous of widening the scope of this inquiry to such an extent that we can not get a report at all.

Mr. HEARD. Oh, no.

Mr. HOPKINS. What I insist upon, Mr. Speaker, is that we shall investigate the charge which is made by the gentleman from Tennessee [Mr. ENLOE] and see whether the present Postmaster is culpable or not. We can determine that by determining the action of his immediate predecessor. Then if gentlemen desire to go into ancient history they can get up a resolution and have all the next session to continue their investigation.

Mr. HOLMAN. I wish to ask the gentleman from Illinois a question, or rather to make this statement: I trust there will be no objection to the amendment offered by him.

Mr. HEARD. As amended.

Mr. HOLMAN. I do not care how far it goes back. I can assure the gentleman from Illinois [Mr. HOPKINS] that the gentleman who has recently been Postmaster of the House will have no objection to this investigation.

Mr. HOPKINS. I do not understand any man has any objection to this amendment of mine; and surely it is a matter that should be investigated.

Mr. HOUK. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. HOUK. Is an amendment to the amendment in order?

Mr. HOPKINS. I have not yielded the floor.

The SPEAKER. An amendment to the amendment is in order.

Mr. HOPKINS. I have not yielded the floor.

The SPEAKER. The gentleman from Illinois says he has not yielded

the floor, and therefore an amendment to the amendment would not now be in order.

Mr. HOPKINS. I think this matter is fully understood, and shall ask for the previous question on the resolution and amendment.

Mr. ENLOE. I think that motion can not be made by the gentleman from Illinois. He has the floor for debate, but I do not think he has the floor to move the previous question.

The SPEAKER. The gentleman from Tennessee yielded the floor, to which he was entitled for one hour, at the end of which he could move the previous question. He yielded the floor, and the gentleman from Illinois has the same right.

Mr. ENLOE. I reserved my time.

The SPEAKER. The gentleman reserved his time, but did not reserve the power over the previous question.

Mr. ENLOE. I did not yield it. I yielded to the gentleman from Wisconsin [Mr. CASWELL], who occupied the floor in debate and then yielded it to the gentleman from Illinois.

The SPEAKER. The Chair thinks that the gentleman from Illinois has the floor.

Mr. HOUK. Mr. Speaker, I hope the gentleman from Illinois will not press the demand for the previous question. If a Republican has been stealing let us expose and punish him, and not attempt to excuse him. I want to offer an amendment.

Mr. HOPKINS. There is no attempt to shield anybody, but these two Postmasters are so interlaced that the investigation of one can not be had without an investigation of the other.

Mr. ALLEN, of Mississippi. I would ask if the Postmaster of the Forty-eighth and Forty-ninth Congresses was not just as much interlaced in the charge as this one here.

Mr. STRUBLE. And the Silcott matter was also interlaced.

Mr. HOPKINS. Therefore I demand the previous question.

Mr. BLOUNT. I hope the gentleman will not make haste to hurry this through the House. This situation certainly grew out of a misapprehension on the part of the gentleman from Tennessee. He expected to discuss the matter further, and if by reason of any misapprehension he has lost control of the floor, I hope the gentleman will not press the demand for the previous question.

The SPEAKER. The gentleman from Illinois calls for the previous question.

Mr. HOUK. I ask the gentleman from Illinois if he will yield to me for an amendment.

The SPEAKER. The gentleman from Illinois demands the previous question.

Mr. ENLOE. Will the Speaker allow me a single remark at this point?

The SPEAKER. The House will be in order and gentlemen will please resume their seats. The Chair will state the proposition now before the House. It is the motion of the gentleman from Illinois for the previous question. That is not debatable.

Mr. ENLOE. I would like to say a word by way of explanation.

The SPEAKER. It is not debatable.

Mr. HEARD. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. HEARD. The inquiry is this: The gentleman from Illinois offered an amendment. I then offered a further amendment, to strike out certain words and insert certain other words in the amendment which he offered, and that amendment was entertained.

The SPEAKER. The gentleman had not the floor.

Mr. HEARD. It seemed to be conceded then that I had.

The SPEAKER. It can only be done by consent, and the question is on ordering the previous question.

Mr. BLOUNT. Mr. Speaker, I make an appeal to the gentleman from Illinois not to insist on the previous question.

The question was taken on ordering the previous question; and the Speaker announced that the yeas seemed to have it.

Mr. HOPKINS. Division.

The House proceeded to divide; and pending the division—

Mr. BLOUNT said: I ask for the yeas and nays. Let this covering-up performance go on record.

The affirmative vote was announced as 74.

Mr. DUNNELL. The other side.

The SPEAKER. The gentleman from Georgia has the right to demand the yeas and nays. [After counting the other side.] Sixty-two in the negative. On this question the yeas are 74, the nays 62.

Mr. ENLOE. Let us have the yeas and nays on it.

Mr. BLOUNT. Let us have the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 108, nays 86, not voting 131; as follows:

YEAS—108.

Adams,	Bingham,	Caldwell,	Conger,
Arnold,	Boutelle,	Candler, Mass.	Craig,
Atkinson, Pa.	Brewer,	Cannon,	Culbertson, Pa.
Atkinson, W. Va.	Brosius,	Caswell,	Cutcheon,
Baker,	Brower,	Clark, Wis.	Dalzell,
Banks,	Browne, Va.	Cogswell,	De Lano,
Bartine,	Buchanan, N. J.	Coleman,	Dorsey,
Belknap,	Burton,	Comstock,	Evans,

Farquhar,
Flick,
Fouston,
Gear,
Gosh,
Gifford,
Greenhalge,
Groat,
Hansbrough,
Harmer,
Henderson, Ill.
Henderson, Iowa
Hermann,
Hill,
Hitt,
Hopkins,
Houk,
Kennedy,
Ketchum,

Kinsey,
Langston,
Laws,
Lind,
Lodge,
Mason,
McCormick,
Miles,
Miller,
Milliken,
Moffitt,
Moore, N.H.
Morrill,
Morrow,
Morse,
Mudd,
Nute,
O'Neill, Pa.
Osborne,

Payne,
Payson,
Perkins,
Pickler,
Post,
Quackenbush,
Raines,
Randall,
Ray,
Reed, Iowa
Reyburn,
Russell,
Scranton,
Seull,
Simonds,
Smith, Ill.
Smith, W. Va.
Smyser,
Spooner,

Stephenson,
Stewart, Vt.
Struble,
Sweeney,
Taylor, E. B.
Taylor, J. D.
Taylor, Ill.
Thomas,
Townsend, Colo.
Vandeveer,
Van Schaick,
Walker,
Wallace, Mass.
Wallace, N. Y.
Wheeler, Mich.
Wickham,
Williams, Ohio
Wilson, Wash.
Wright.

NAYS—86.

Abbott,
Allen, Miss.
Anderson, Kans.
Andrew,
Barwig,
Bergen,
Blount,
Brickner,
Brookshire,
Buckalew,
Candler, Ga.
Caruth,
Clancy,
Clarke, Ala.
Clements,
Cobb,
Covert,
Cowles,
Crisp,
Cullerson, Tex.
Cummings,
Dickerson,

Dunnell,
Dunphy,
Enloe,
Fitch,
Flood,
Flower,
Forney,
Frank,
Grimes,
Grosvener,
Hare,
Hatch,
Hayes,
Haynes,
Heard,
Humphill,
Herbert,
Holman,
Hooker,
Kelley,
Kerr, Iowa
Kilgore,

Lacey,
Latham,
Lehlbach,
Lester, Ga.
McAdoo,
McComas,
McCreary,
McDuffie,
McMillin,
Morey,
Morgan,
Mutchler,
O'Donnell,
O'Ferrall,
O'Neil, Mass.
Owens, Ohio
Pennington,
Pierce,
Reilly,
Richardson,
Ruak,
Bayers,

Seney,
Sherman,
Shively,
Stewart, Tex.
Stivers,
Stockbridge,
Stockdale,
Stone, Ky.
Stump,
Tarsney,
Tillman,
Townsend, Pa.
Tracey,
Turner, Ga.
Waddill,
Wheeler, Ala.
Whitthorne,
Wike,
Wiley,
Wilkinson.

NOT VOTING—131.

Alderson,
Allen, Mich.
Anderson, Miss.
Bankhead,
Barnes,
Bayne,
Beckwith,
Belden,
Biggs,
Blanchard,
Bland,
Bliss,
Boatner,
Boothman,
Bowden,
Breckinridge,
Brown, J. H.
Browne, T. M.
Brunner,
Buchanan, Va.
Bullock,
Bunn,
Burrows,
Butterworth,
Bynum,
Campbell,
Carlton,
Carter,
Catchings,
Cheadle,
Cheatham,
Chipman,
Clunie,

Connell,
Cooper, Ind.
Cooper, Ohio
Cottrhan,
Crain,
Dargan,
Darlington,
Davidson,
De Haven,
Dibble,
Dingley,
Doekery,
Dolliver,
Edmonds,
Ellis,
Ewart,
Featherston,
Finley,
Fithian,
Forman,
Fowler,
Gelesenhalner,
Gibson,
Goodnight,
Hall,
Haugen,
Henderson, N. C.
Kerr, Pa.
Knapp,
La Follette,
Laidlaw,
Lane,
Lansing,

Lawler,
Lee,
Lester, Va.
Lewis,
Magner,
Malsh,
Mansur,
Martin, Ind.
Martin, Tex.
McCarthy,
McClammy,
McClellan,
McCord,
McKenna,
McKinley,
McKine,
Milla,
Montgomery,
Moore, Tex.
Niedringhaus,
Norton,
Oates,
O'Neill, Ind.
Outhwaite,
Owen, Ind.
Parrett,
Paynter,
Peel,
Perry,
Peters,
Phelan,
Price,
Pugsley,

Quinn,
Rife,
Robertson,
Rockwell,
Rogers,
Rowell,
Rowland,
Sanford,
Sawyer,
Skinner,
Snider,
Spinola,
Springer,
Stahnecker,
Stewart, Ga.
Stone, Mo.
Taylor, Tenn.
Thompson,
Tucker,
Turner, Kans.
Turner, N. Y.
Vaux,
Wade,
Washington,
Whiting,
Willcox,
Williams, Ill.
Wilson, Ky.
Wilson, Mo.
Wilson, W. Va.
Yardley,
Yoder.

So the previous question was ordered.

The following additional pairs were announced for the rest of this day:

Mr. PUGSLEY with Mr. ANDERSON, of Mississippi.

Mr. BOOTHMAN with Mr. YODER.

The result of the vote was then announced as above recorded.

The SPEAKER. The previous question is ordered, and the question is on the amendment. The Chair understands that the Committee on Accounts has been substituted in the resolution for the Committee on the Post-Office and Post-Roads. The other amendment is the one offered by the gentleman from Illinois [Mr. HOPKINS].

Mr. CASWELL. Mr. Speaker, I did not understand that the Committee on Accounts was to be substituted for the Committee on the Post-Office and Post-Roads.

Several MEMBERS. It was.

Mr. ENLOE. Mr. Speaker, if that is questioned, I will state that while I was on the floor and had charge of the resolution I modified it in that way.

The SPEAKER. The Chair so understood, but was not quite certain. The question is on the adoption of the amendment offered by the gentleman from Illinois [Mr. HOPKINS].

The amendment was agreed to.

The resolution as amended was adopted.

THE SERGEANT-AT-ARMS OF THE HOUSE.

Mr. PAYNE. Mr. Speaker, I am instructed to report, from the select committee appointed to investigate the accounts of the Sergeant-at-Arms

of the House, the bill which I send to the desk (H. R. 11928), and which I ask to have read and put upon its passage.

The bill was read, as follows:

Be it enacted, etc., That it shall be the duty of the Sergeant-at-Arms of the House of Representatives to attend the House during its sittings, to maintain order under the direction of the Speaker, and, pending the election of a Speaker or Speaker pro tempore, under the direction of the Clerk, execute the commands of the House and all processes issued by authority thereof, directed to him by the Speaker, keep the accounts for the pay and mileage of Members and Delegates, and pay them as provided by law.

Sec. 2. That the symbol of his office shall be the mace, which shall be borne by him while enforcing order on the floor.

Sec. 3. That the moneys which have been, or may be, appropriated for the compensation and mileage of Members and Delegates shall be paid at the Treasury on requisitions drawn by the Sergeant-at-Arms of the House of Representatives, and shall be kept, disbursed, and accounted for by him according to law, and he shall be a disbursing officer, but he shall not be entitled to any compensation additional to the salary now fixed by law.

Sec. 4. That the Sergeant-at-Arms shall, within twenty days after entering upon the duties of his office, and before receiving any portion of the moneys appropriated for the compensation or mileage of Members and Delegates, give a bond to the United States, with two or more sureties, to be approved by the First Comptroller of the Treasury, in the sum of \$15,000, with condition for the proper discharge of the duties of his office, and the faithful keeping, application, and disbursement of such moneys as may be drawn from the Treasury and paid to him as disbursing officer of the United States, and shall, from time to time, renew his official bond as the First Comptroller of the Treasury shall direct. No member of Congress shall be approved as surety on such bond.

Sec. 5. That the bonds given pursuant to this act shall be deposited in the office of the First Comptroller of the Treasury.

Sec. 6. That any person duly elected and qualified as Sergeant-at-Arms of the House of Representatives shall continue in said office until his successor is chosen and qualified, subject, however, to removal by the House of Representatives.

Sec. 7. That the Sergeant-at-Arms of the House of Representatives shall prepare and submit to the House of Representatives, at the commencement of each regular session of Congress, a statement in writing exhibiting the several sums drawn by him pursuant to the provisions of this act, the application and disbursement of the same, and the balance, if any, remaining in his hands.

Sec. 8. That there shall be employed in the office of Sergeant-at-Arms one deputy to the Sergeant-at-Arms, at a salary of \$2,000 a year; one cashier, at a salary of \$3,000 a year; one paying teller, at a salary of \$2,000 a year; one book-keeper, at a salary of \$1,800 a year; one messenger, at a salary of \$1,200 a year; one page, at a salary of \$720 a year; and one laborer, at a salary of \$600 a year.

Sec. 9. That section 237 of the Revised Statutes is hereby amended so as to read as follows:

"Sec. 237. That the fiscal year of the Treasury of the United States in all matters of accounts, receipts, expenditures, estimates, and appropriations, except accounts of the Secretary of the Senate for compensation and traveling expenses of Senators, and accounts of the Sergeant-at-Arms of the House of Representatives for compensation and mileage of Members and Delegates, shall commence on the 1st day of July in each year; and all accounts of receipts and expenditures required by law to be published annually shall be prepared and published for the fiscal year, as thus established. The fiscal year for the adjustment of the accounts of Secretary of the Senate for compensation and traveling expenses of Senators, and of the Sergeant-at-Arms of the House of Representatives for compensation and mileage of Members and Delegates shall extend to and include the 3d day of July."

Sec. 10. That all laws and parts of laws inconsistent herewith are hereby repealed.

Mr. PAYNE. Mr. Speaker, this bill comes with the unanimous report of the select committee appointed at the beginning of the session to investigate the accounts of the Sergeant-at-Arms. We have put into the bill the standing rules of the House regulating the duties of that office. We thought it necessary to do this because the rules do not run beyond the existence of the Congress for which they are made, the present Congress, for instance, while this officer's duties and the office itself run until the meeting of the next Congress and until his successor is chosen and qualified. We have also in express terms made the Sergeant-at-Arms a disbursing officer. We have also provided that he may draw from the Treasury on his own requisition the amount of the salaries and the mileage of Members and Delegates and pay it to them in the amounts provided by law. This does away with the system of giving receipts in advance and requiring the Speaker to give a certificate before the Sergeant-at-Arms can draw the money. It simplifies the method of conducting the business of the office. It adopts substantially the method employed by the Secretary of the Senate and now provided for by law.

Mr. FLOWER. Will the gentleman permit a question?

Mr. PAYNE. Certainly.

Mr. FLOWER. Our former Sergeant-at-Arms had eighty or ninety thousand dollars in his possession. Does your committee contemplate that the present Sergeant-at-Arms or any succeeding one may have as large an amount?

Mr. PAYNE. We understand from the officials of the Treasury Department that it is the custom and the rule of the Department to pay over to a disbursing officer only a sum equal to the amount of his bond, and that in order to get more money he is obliged to bring in vouchers for what he has already paid out and settle up his accounts; so that, as I understand the rule which prevails there, he could not get into his hands more money than the amount of his bond, which in this case is \$50,000.

Mr. FLOWER. As I understand it, under our old custom we would sign vouchers for, say, five months in advance, so that the Sergeant-at-Arms could draw the money. Then when we adjourned in June and did not meet until the succeeding December he would have more than \$50,000 in his hands. Now, why not make provision for a larger bond, say a hundred thousand dollars instead of \$50,000?

Mr. PAYNE. Because he collects this money from the Treasury

Department, or gets it on requisition every month, and disburses it every month on the receipts of members.

Mr. MORGAN. Would not the monthly installment required to pay members be over \$50,000?

Mr. PAYNE. Yes, it amounts to over \$130,000; but, as I understand the rule of the Treasury Department, they pay out to a disbursing officer at any one time only an amount equal to his bond and he can not get any more.

Mr. FLOWER. Why not make the bond larger?

Mr. BLOUNT. I wish the gentleman from New York would state what is the practice of the disbursing officer of the Senate on this particular point.

Mr. PAYNE. The disbursing officer of the Senate gives a bond of only \$20,000.

Mr. BLOUNT. But I wish the gentleman would state how the payments of that disbursing officer are regulated by the Treasury Department.

A MEMBER. Mr. Speaker, the confusion is so great that we can not hear what is going on.

The SPEAKER. The House will please be in order. The Chair would like at least to know how many gentlemen are occupying the floor at the same time. [Laughter.]

Mr. FLOWER. For one, Mr. Speaker, I did not occupy the floor except by consent of my colleague from New York [Mr. PAYNE].

The SPEAKER. The gentleman from New York [Mr. FLOWER] is unnecessarily sensitive, as the Chair had no reference whatever to him. The Chair had reference to gentlemen who were interrupting the business of the House by conversation.

Mr. FLOWER. Well, I want to ask my colleague now—

Mr. BLOUNT. I would like to ask the gentleman a question.

The SPEAKER. The gentleman from Georgia [Mr. BLOUNT] desires to ask the gentleman from New York a question.

Mr. PAYNE. I yield for that purpose.

Mr. BLOUNT. I would like the gentleman from New York to state the practice—

Mr. FLOWER. I thought I had the floor.

Mr. PAYNE. I yielded to the gentleman from Georgia for a question.

Mr. FLOWER. All right.

Mr. PAYNE. I supposed my colleague [Mr. FLOWER] was through.

The SPEAKER. The Chair so understood so far as he could understand anything in the confusion.

Mr. BLOUNT. I wish to ask the gentleman from New York what is the practice of the Treasury Department with regard to advances to the disbursing officer of the Senate.

Mr. PAYNE. I believe the same rule is pursued with reference to that officer.

Mr. BLOUNT. Does the Treasury Department advance to that officer at any time more than the amount of his bond?

Mr. PAYNE. I believe it does.

Mr. BLOUNT. My information is to the contrary; that the Department does not advance to that officer more than the amount of his bond, except after vouchers have been filed.

Mr. PAYNE. I think it does; but it requires regular and frequent accounting.

Mr. FLOWER. If the practice is what my colleague [Mr. PAYNE] now states, I say it is not business; and even if that is the practice in the case referred to, this House should not follow such a practice. We should require a bond large enough to prevent the recurrence of a deficit like that of last winter. I am in favor of enlarging the amount of the bond of this officer; I would make it \$100,000. It should be so large that members of the House may always be secure in regard to their pay and that the Government may be secure.

Mr. PAYNE. May I ask my colleague one question?

Mr. FLOWER. Certainly.

Mr. PAYNE. Is it usual for business houses that have employes who give bonds to require a bond for all the money which goes through their hands or for all that is in their hands at any one time? Is that the rule with regard to the cashier of a bank or any employe of that kind?

Mr. FLOWER. It is certainly the rule in regard to every county treasurer, and, as I understand, in every case where a bond is required, that the bond shall be double the amount which is sought to be secured. Why should we not make a similar requirement?

Several MEMBERS. Oh, no.

Mr. PAYNE. What is the amount of the bond of the subtreasurer at New York?

Mr. FLOWER. Two hundred thousand dollars, I understand.

Mr. PAYNE. Why, Mr. Speaker, the Treasurer of the United States gives bond only in the sum of \$100,000. It seems to me we ought to be reasonable in this case. The committee considered this subject carefully and thought that a bond of \$50,000 would be ample.

Mr. FLOWER. The bond of the Sergeant-at-Arms is now \$100,000.

Mr. PAYNE. No, \$50,000.

Mr. FLOWER. He informed me himself that it was \$100,000.

Mr. PAYNE. It has never been more than \$50,000.

Mr. FLOWER. Then that is the reason why members lost their money at the beginning of this Congress.

Mr. HENDERSON, of Iowa. Will the gentleman from New York [Mr. PAYNE] allow me a moment for a correction?

Mr. PAYNE. Yes, sir.

Mr. HENDERSON, of Iowa. The gentleman has spoken of an investigation of the office or accounts of the Sergeant-at-Arms. I want him, when he prints his remarks, to insert the word "ex" before Sergeant-at-Arms. [Laughter.]

Mr. PAYNE. Mr. Speaker, I want it to be thoroughly understood that when I speak of the defalcation I mean the late Sergeant-at-Arms, not the present Sergeant-at-Arms.

Mr. BUCHANAN, of New Jersey. Will the gentleman from New York yield for an amendment adding to section 2 of this bill the following:

And the Treasurer of the United States shall disallow any payment made by the Sergeant-at-Arms in violation of the provisions of section 40 of the Revised Statutes of the United States.

Mr. PAYNE. I do not think I can yield for that amendment. The existing law provides that members who are absent shall not receive any pay. We have law enough upon the subject; the only trouble is we do not enforce it.

Mr. BUCHANAN, of New Jersey. My amendment provides a means of enforcing it.

Mr. PAYNE. I do not know how the Sergeant-at-Arms is going to get at that matter exactly; he might be caught "in a hole" by supposing that members were present when they were really absent. That is a question that we sometimes get "mixed" upon. I can not yield for an amendment of that kind.

Mr. BUCKALEW. If the gentleman from New York will yield to me for five minutes, I would like to make a point with reference to this bill.

Mr. PAYNE. I yield to the gentleman from Pennsylvania for five minutes.

Mr. BUCKALEW. Mr. Speaker, if I understood the reading of this bill it undertakes to make our Sergeant-at-Arms a civil officer of the United States.

Mr. PAYNE. A disbursing officer.

Mr. BUCKALEW. A disbursing officer of the United States, and, of course, a civil officer. If there is nothing else defective in the bill I think there is a defect of form. The Constitution provides that the President, by and with the advice and consent of the Senate, shall appoint certain civil officers of the United States, and further provides that Congress may by law vest the appointment of certain subordinate civil officers in the President alone, in the courts of law, or in the heads of Departments.

Now, the Sergeant-at-Arms of this House, like our other officers, is an officer of the House in the view of the Constitution, as was held long ago in the Blount impeachment case in 1793. I understand that this bill proposes to make this officer of the House a civil officer of the United States. It can not be done. If you make him such an officer you must send his appointment somewhere else or after we appoint him you must get him another appointment.

I make this point because I was not present when the defalcation in the office of the Sergeant-at-Arms was before the House on a former occasion. It struck me then that the arguments which were made in the House were defective, because they did not take into account the source of official authority under this Government with reference to civil officers of the United States as distinguished from officers of the respective Houses of Congress. This bill certainly ought to treat the Sergeant-at-Arms as an officer of the House. We may perhaps by statute say that he shall perform or execute certain duties which are ordinarily committed to the charge of civil officers of the United States without describing him as such.

Now, I apprehend that there may be some difficulty in the Executive Departments, or possibly in the courts, under the provisions of this bill for want of a recognition of the distinction which exists between those officials of this House appointed under the provisions of the Constitution, when you undertake to impose upon them civil duties, responsible legal duties, that do not properly pertain or strictly belong to their official functions under the law; and especially when you undertake to give them other designations.

I am only calling attention to this, not that I care anything specially about it, but simply want that the bill shall take the right shape. As it reads now I understand it is a misnomer, a misdescription, which may eventually lead to trouble.

Mr. PAYNE. Mr. Speaker, this bill follows the language of the Revised Statutes in making the Secretary of the Senate a disbursing officer; and it also follows the decisions of the Court of Claims declaring that the Sergeant-at-Arms of the House was such an officer.

I notice that in the printed bill there is a typographical error in line 7 of section 4; the word "fifteen" is printed instead of "fifty." It should be "fifty." I move to amend by making it "fifty," and ask the previous question on the amendment and on the engrossment and third reading and passage of the bill.

Mr. JOSEPH D. TAYLOR. I ask the gentleman to make that "one hundred thousand."

The SPEAKER. The gentleman has demanded the previous question.

Mr. JOSEPH D. TAYLOR. The treasurer of my State gives a bond of \$500,000.

Mr. KERR, of Iowa. Mr. Speaker—

The SPEAKER. The question is on ordering the previous question. The previous question was ordered.

The SPEAKER. The Clerk will report the amendment of the gentleman from New York.

The Clerk read as follows:

Amend in line 7 of section 4 by striking out the word "fifteen" and inserting the word "fifty."

The amendment was agreed to.

Mr. PAYNE. In line 16 of section 9 the word "of," where it occurs in "Sergeant-of-Arms," should be stricken out and the word "at" inserted, making it read "Sergeant-at-Arms."

The SPEAKER. Without objection, the amendment will be agreed to. There was no objection.

Mr. JOSEPH D. TAYLOR. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. JOSEPH D. TAYLOR. Can I move an amendment?

The SPEAKER. Not since the previous question is ordered.

Mr. JOSEPH D. TAYLOR. But I made my motion practically before the previous question was ordered.

The SPEAKER. But not before it was demanded. The previous question had been demanded when the gentleman from Ohio took the floor.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. PAYNE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NICKEL-STEEL ARMOR.

Mr. BOUTELLE. Mr. Speaker, if in order I would like to make a report from the Committee on Naval Affairs and ask its present consideration.

The SPEAKER. The gentleman will state his request.

Mr. BOUTELLE. I desire to report back, by instructions of the Committee on Naval Affairs, House joint resolution No. 228, authorizing the Secretary of the Navy to purchase nickel ore or nickel matte for use in the manufacture of nickel-steel armor and other naval purposes, and ask its present consideration.

The SPEAKER. It can only be done by unanimous consent.

Mr. BOUTELLE. I ask unanimous consent.

The SPEAKER. The joint resolution will be read, after which the Chair will submit the request of the gentleman.

The joint resolution was read, as follows:

Resolved, etc., That the Secretary of the Navy is hereby authorized to purchase, at his discretion, nickel ore or nickel matte, to be used in the manufacture of nickel-steel armor-plating for vessels already authorized or to be authorized to be constructed, and of armor-piercing projectiles, and for other naval purposes.

SEC. 2. That the sum of \$1,000,000, or so much thereof as may be necessary, is hereby appropriated for this purpose out of any money in the Treasury not otherwise appropriated.

Mr. BOUTELLE. I ask that the accompanying report be read.

The Clerk read as follows:

The Committee on Naval Affairs, to whom was referred House joint resolution No. 228, having considered the same, submit the following report:

The recent armor tests at Annapolis having conspicuously demonstrated the superiority of steel plates containing an alloy of nickel, and the supply of that ore being limited, the committee coincide with the officers of the Navy Department in believing it to be of the highest importance that the Secretary be at once empowered to secure a supply of nickel to be utilized in the manufacture of the armor for our vessels of war, and for other naval purposes.

The committee recommend that the title of the joint resolution be amended by adding the words "and for other naval purposes," and that as so amended the joint resolution do pass.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. HILL. Mr. Speaker—

Mr. BLOUNT. Mr. Speaker, I would like to hear some explanation of this before action is taken.

The SPEAKER. If there be no objection, the question is on the amendment.

Mr. BLOUNT. I do not want to object, but I think such a large appropriation, when it is brought before the House, ought to have some explanation, and that we could afford to listen for a little while at least to see what necessity exists for it.

Mr. BOUTELLE. Mr. Speaker, the Committee on Naval Affairs would not have thought of calling on the House at this late stage of the session to consider a matter of this kind had they not believed the exigency was one of great importance.

All members of the House have unquestionably read with greater

or less care the reports of the recent armor tests at Annapolis. It is enough to say of these tests that they have been very remarkable and in some respects startling in their character.

The tests consisted of trials of three different kinds of armor. First, the compound Cammel plate, which is used upon the armor-clads of Great Britain, a plate of armor consisting of a steel surface upon a wrought-iron backing; secondly, a steel plate manufactured in France at the works at Creusot; and, thirdly, a Creusot plate composed of steel with a nickel alloy of 5 per cent., from which remarkable results were anticipated with confidence from some experiments that had been previously made. Up to the recent experiments, however, there had never been in the ordnance history of the world any such accurate, complete, and conclusive tests of steel armor as those recently had at Annapolis.

The results in brief are, that under fire of a 6-inch rifle four shots practically demonstrated the inutility of the English Cammel plate. The steel face was shattered from its iron backing, and when the fifth shot from an 8-inch rifle was fired with a reduced charge, the plate was absolutely disintegrated, so that the shot passed through the plate, clear through the backing, and was dug out some 15 feet deep in the earth behind. The all-steel plate, believed by the French to be superior, resisted the fire of the 6-inch shots with comparative success, so that up to that point the difference in favor of the nickel was not so absolutely pronounced, but when the fifth shot was fired at the steel plate the result was, as the photograph shows, a cracking of the plate crosswise from corner to corner, absolutely disintegrating it.

On the nickel plate, however, the result was very different. The 8-inch shot broke off in the plate, showing a marvelous degree of tenacity and toughness, the metal being of that character of resistance that it shattered the breech of the shell into fragments, and yet of sufficient tenacity that it held the forward part of the shell like a vise, so that if it had been in actual warfare the shot could have done practically no harm, as it plugged the opening. The surface of the nickel-alloy plate shows no fissure whatever.

In the opinion of the experts of the Navy Department, the demonstration of the superiority of this nickel alloy is incontestable and remarkable.

We are under contract now for quantities of armor for use upon our battle-ships under construction and those which have recently been authorized; but there is still time for us to avail ourselves of the latest discoveries and obtain the most desirable materials. In order to do that, however, as the supply of nickel is limited, the Navy Department have deemed it imperative on their part, in order to secure for us in the composition of the armor upon which we are to depend in the construction of our heavy war-ships the very best material—have deemed it imperative that they should ask of Congress authority to promptly secure a quantity of this nickel ore, necessary to form the alloy for these armor-plates.

I will state in this connection, for the information of the House, that this appropriation does not involve in itself any initial addition to the annual expenditures in behalf of the Navy; it simply authorizes an expenditure of so much of a million dollars as may be necessary, in addition to what was provided in the regular annual bill, on account of authorizations for armament and armor already made by Congress. It simply adds this \$1,000,000 to the \$2,500,000 appropriated for armor and armament to which the Committee on Naval Affairs reduced the estimates of the Department, which were \$3,971,000. In other words, the estimates by the Ordnance Bureau of the amount of appropriation necessary for these purposes for the current year, as sent to Congress last December, were \$3,971,000. By carefully examining the probable expenditures during the current fiscal year the Committee on Naval Affairs reduced the actual appropriation to \$2,500,000, or, in other words, reduced it by about \$1,400,000.

This appropriation will simply make available \$1,000,000 and enable the Department to make a purchase or to contract for the purchase of this material. Upon my responsibility as chairman, and speaking for my colleagues unanimously, speaking also for the Secretary and for the experts of the Navy Department, I assure the House that I believe this action to be imperative and important at this time for many reasons that it may not be practicable to state *in extenso* at this time.

Mr. GROSVENOR. I would like to ask the gentleman a question. Is it proposed to buy this material at or about this time?

Mr. BOUTELLE. It is.

Mr. GROSVENOR. Where does the product of nickel come from?

Mr. BOUTELLE. I will be very glad to answer the question of the gentleman.

Mr. GROSVENOR. Is it not a fact substantially that the American supply is exhausted?

Mr. HERMANN. It is not.

Mr. GROSVENOR. Does this bill provide for the immediate purchase or does it give discretion to the Secretary of the Navy?

Mr. BOUTELLE. It gives discretion to the Secretary of the Navy. It places the whole matter in the discretion of the Secretary of the Navy, where, of course, we are obliged to leave discretion in such matters.

Mr. BLOUNT. Do I understand the gentleman to urge this upon the House for reasons other than stated, because the reasons ought not to be stated in the public interests?

Mr. BOUTELLE. No; there is nothing that would do anybody any harm.

Mr. BLOUNT. The gentleman misunderstood me. I can conceive of reasons for a public measure being adopted when there is an impropriety in stating those reasons.

Mr. BOUTELLE. Exactly.

Mr. BLOUNT. And I wish to know of the gentleman if it is what anybody might know who is in the confidence of his committee or the Department.

Mr. BOUTELLE. That is exactly it. I will state there is nothing extraordinary about this matter, and no secret. I think that all that it ought to be necessary to state is the fact that this material is absolutely needed. The Department, its experts, and the committee are united upon that point; and we simply ask you to anticipate the appropriation of \$1,000,000 which we should ask in the next session to enable the Secretary of the Navy to utilize the opportunity now afforded us to place us in the position to construct ships with the very best armor in the world; better than any other nation now has.

Mr. CUTCHEON. Will the gentleman yield to me for a question?

Mr. BOUTELLE. I will.

Mr. CUTCHEON. Will this \$1,000,000 now appropriated diminish the amount to be expended for the steel and iron armor heretofore appropriated?

Mr. BOUTELLE. It will, except in so far as nickel is more costly. There is only a small amount of nickel, however, to be used as an alloy to the extent of about 5 per cent.

Mr. HEIMANN. Mr. Speaker, I desire to say to the gentleman from Maine, in answer to the question of the gentleman from Ohio [Mr. GROSVENOR] as to the nickel in the United States probably being exhausted, that in my own State, in the southern portion of the county of Douglas, there are mines in which nickel has been discovered. The mines have been developed and are now in working order, and the only thing that prevents successful mining operations is the small duty now imposed upon foreign nickel. In connection with that, as this material has to be used, I wanted to know of the gentleman from Maine whether it would not be proper and consistent with our own interest that this discretion given to the Secretary should be limited to a certain extent as to the purchase of nickel mined in the United States.

The SPEAKER. Is there objection to the consideration of the resolution? [After a pause.] The Chair hears none.

The resolution was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended by adding the following: "And for any other naval purposes."

Mr. BOUTELLE moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

IOWA JUDICIAL DISTRICTS.

Mr. REED, of Iowa. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 11154) to repeal part of section 6 of an act entitled "An act to divide the State of Iowa into two judicial districts," approved July 20, 1882.

The bill was read, as follows:

Be it enacted, etc., That so much of section 6 of an act entitled "An act to divide the State of Iowa into two judicial districts," approved July 20, 1882, as requires courts held under the provisions of said act to be held in buildings provided for that purpose without expense to the United States be, and the same is hereby, repealed.

The SPEAKER. Is there objection to the consideration of the bill? Mr. HOLMAN. I think we ought to have some explanation of this bill.

Mr. REED, of Iowa. Let the report on the bill be read. It will give an explanation.

The report (by Mr. REED, of Iowa) was read, as follows:

The Committee on the Judiciary, to whom was referred the bill (H. R. 11154) to repeal part of section 6 of an act entitled "An act to divide the State of Iowa into two judicial districts," approved July 20, 1882, submit the following report:

The sixth section of the act approved July 20, 1882, entitled "An act to divide the State of Iowa into two judicial districts," provides that the additional courts provided for by the act shall be held in buildings provided for that purpose, without expense to the United States. The courts at Fort Dodge and Sioux City have heretofore been held in the county court-house of the counties in which these cities are situated.

When the act was passed these buildings afforded ample facilities for both the State and Federal courts. Since that date, however, the business in the State courts has increased to such extent that those courts are in session the greater portion of the year. This is particularly true of the courts at Sioux City. There is then a constant conflict between the State and Federal courts in the matter of the occupation of the buildings, and in addition to that neither of the buildings has sufficient facilities for the offices of the clerk of the Federal courts.

The bill simply repeals this provision, and if it should become a law the Department would be enabled to rent the rooms or buildings necessary for the accommodation of the courts and the proper transaction of their business.

Your committee are of the opinion that a public necessity exists for the passage of the bill, and they therefore report it back with the recommendation that it be passed.

The SPEAKER. Is there objection to the consideration of this bill? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. REED, of Iowa, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS THE KENTUCKY RIVER.

Mr. DICKERSON. I ask unanimous consent for the present consideration of the bill (S. 4322) to authorize the construction of a bridge across the Kentucky River and its tributaries by the Louisville, Covington and Cincinnati Railway Company, the Carrollton and Louisville Railroad Company, and the Westport, Carrollton and Covington Railway Company, and their assigns.

The Clerk proceeded to read the bill.

Mr. McCREARY. Mr. Speaker, I understand that the bill is in the usual form and has been reported by the committee unanimously. I therefore ask unanimous consent to dispense with the reading of the bill.

Mr. DICKERSON. A bill identical with this has been reported by the House committee.

The SPEAKER. Is there objection to dispensing with the reading of the bill? [After a pause.] The Chair hears none.

The bill is as follows:

Be it enacted, etc., That the Louisville, Covington and Cincinnati Railway Company, the Carrollton and Louisville Railroad Company, and the Westport, Carrollton and Covington Railway Company, corporations organized under acts of the General Assembly of the Commonwealth of Kentucky, be, and they, their successors and assigns, are authorized to construct and maintain a bridge or bridges, and approaches thereto, over the Kentucky River, in the State of Kentucky, at or near Carrollton, at such a point or points as said companies may deem suitable for the passage of their said road or roads over said river or its tributaries, subject to approval of the Secretary of War. Said bridge or bridges shall be constructed to provide for the passage of railway trains and, at the option of the company or companies by which it or they may be built, may be used for the passage of wagons and vehicles of all kinds, for the transit of animals, and for foot-passengers.

Sec. 2. That any bridge built under this act and subject to its limitations shall be a lawful structure and shall be recognized and known as a post-route, and it shall enjoy the rights and privileges of other post-roads in the United States; and equal privileges in the use of said bridge or bridges shall be granted to all telegraph and telephone companies; and the United States shall have the right of way across said bridge or bridges, and approaches, for postal-telegraph purposes.

Sec. 3. That any bridge authorized to be constructed under this act shall be built and located under and subject to such regulations for the security of navigation of said river as the Secretary of War shall prescribe; and to secure that object the said company or companies shall submit to the Secretary of War, for his examination and approval, a design and drawing of each bridge, and a map of the location thereof, giving the high and low water lines upon the banks of the river, the direction and strength of the currents at all stages of the water, with soundings accurately showing the bed of the stream, and the location of any other bridge or bridges; such map to be sufficiently in detail to enable the Secretary of War to judge of the proper location of said bridge or bridges, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and until such plan and location of the bridge or bridges are approved by the Secretary of War, no bridge shall be built or commenced; and should any change be made in the plan of such bridge or bridges during the progress of construction, such change shall be subject to the approval of the Secretary of War; and if the Secretary of War shall at any time think any changes necessary in the plans of said bridge or bridges, the said alterations shall be at the expense of the company or companies owning the same. The said bridge or bridges shall at all times be so kept and managed as to offer reasonable and proper means for the passage of vessels and other water-craft through or under said structures, and for the safety of vessels passing at night there shall be displayed on said bridge or bridges, from the hours of sunset to sunrise, such lights or other signals as may be prescribed by the Light-House Board.

Sec. 4. That all railroad companies desiring the use of said bridge or bridges shall have and be entitled to equal rights and privileges relative to the passage of railway trains over the same, and over the approaches thereto, upon the payment of reasonable compensation therefor; and in case the owner or owners of said bridge or bridges and the company or companies desiring to use the same shall fail to agree upon the terms with reference to the use of the same, all matters of issue between them shall be decided by any court of competent jurisdiction, or by the Secretary of War, by agreement of the parties interested, upon a hearing of the allegations and proofs of the parties.

Sec. 5. That this act shall be null and void if actual construction of the bridge or bridges herein authorized be not commenced within two and completed within five years from the date hereof.

Sec. 6. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection to the present consideration of the bill? The Chair hears none.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

The SPEAKER. If there be no objection, House bill 11758, on the same subject, will be laid on the table.

There was no objection.

Mr. DICKERSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENLARGEMENT OF MILITARY POST, PLATTSBURGH, N. Y.

Mr. MOFFITT. Mr. Speaker, I call up the bill (H. R. 608) making appropriation for the construction of new buildings and the enlargement of the military post at Plattsburgh, N. Y., and I ask that the bill be now put upon its passage.

The bill was read, as follows:

Be it enacted, etc., That to enable the Secretary of War to enlarge the military post at Plattsburgh, N. Y., to the capacity of twelve companies, and for beginning the construction of the necessary buildings, barracks, quarters, kitchen, mess-hall, stable, storehouses, and magazines, there is hereby appropriated, from

any money in the Treasury of the United States not otherwise appropriated, the sum of \$200,000.

Sec. 2. That the Secretary of War is hereby authorized to accept, free of cost to the United States, a donation of a tract of 500 acres of land for a target range and other military purposes at or near the post of Plattsburgh Barracks, New York: *Provided*, That in his judgment the said tract of land is found to be in all respects adequate and suitable to meet the wants of the post, and that the title shall have been declared valid by the Attorney-General of the United States.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. KILGORE. Let the report be read.

Mr. MOFFITT. Yes, Mr. Speaker, let the report be read for the information of the House. It sets forth the importance of Plattsburgh as a strategic point in all the wars that have occurred in the North, and shows that it must always be an important point in military operations on our northern frontier. The report is very complete. It explains the situation fully, and when it is read I am sure the House will see the necessity for this legislation.

The report (by Mr. KINSEY) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 608) making an appropriation for the construction of new buildings and the enlargement of the military post at Plattsburgh, N. Y., submit the following report:

Plattsburgh is situated on Lake Champlain, in the State of New York, and on the Canada border. From the earliest history of the country it has been a military post. Prior to the Revolutionary war it was the scene of many wars between first the French inhabitants of Canada and the Iroquois Indians, and afterwards between the French and the English colonists. It was on the line of march when Montcalm entered the territory of New York in 1759. It was part of the route taken by Burgoyne when he began the campaign which resulted in his defeat and surrender at Stillwater during the Revolution.

It was again the arena in which the American volunteers successfully engaged the British army under Sir George Prevost in the war of 1812. It will be perceived that in all the wars between our Government and the sovereigns of the Canadian Lake Champlain has been considered a strategic point. It must ever remain so because of its vicinity to the Canadian border and to the chief city of the Dominion, Montreal.

The suggestion made by the General of the Army that, because of its strategic value, it ought to be made a permanent point of location for a regiment which would not as a nucleus for the formation of an army or corps in case of war with England is approved by the committee.

It is near the Canadian border, is connected by lines of railway and a canal with the central portion of New York, giving easy modes of transport to troops and the material of war at any time. A concentration of troops on the lake would protect the country from invasion, and if intended for aggressive purposes the most convenient place for an invasion of Canada, being not more than a day's march from the St. Lawrence River.

Such a reservation and depot as is contemplated by the bill would be of inestimable value (should war with England occur) as a rendezvous for volunteer troops from the Atlantic States. The committee call attention to the recommendations of the General of the Army and Secretary of War, as follows:

WAR DEPARTMENT, Washington, February 20, 1890.

SIR: I return herewith House bill 608, "making an appropriation for the construction of new buildings and the enlargement of the military post at Plattsburgh, N. Y.," referred to this Department on the 15th instant, and invite attention to the inclosed letter from the Major-General commanding the Army on the bill, and to the marked paragraphs on pages 5 and 18 of the accompanying copy of his annual report to the Secretary of War for the year 1889, and also to a copy of the telegram from Hon. Smith M. Weed to Major-General Schofield on the subject of the bill.

I concur in the recommendation of the Major-General commanding the Army, and strongly recommend favorable action on the bill.

Very respectfully,

REDFIELD PROCTOR,
Secretary of War.

Hon. B. M. CUTCHERON,
Chairman Committee on Military Affairs, House of Representatives.

HEADQUARTERS OF THE ARMY, Washington, D. C., February 19, 1890.

SIR: Upon House bill 608, Fifty-first Congress, first session, "making an appropriation for the construction of new buildings and the enlargement of the military post at Plattsburgh, N. Y.," I have the honor to report that the possession by the Government of a valuable military reservation, with some good buildings, at Plattsburgh, suggests that point, rather than any other in that part of the country, for military occupation. If it be admitted, as suggested in my annual report, that it is not expedient to make any additions "to the old fortifications or armament of the military posts along the northern border of the United States," it becomes the more important "that a moderate force be maintained in barracks at those posts."

At least one regiment of infantry and a battery or two of field artillery should be stationed at Plattsburgh as a nucleus for the force, mostly State troops, which would be hastily assembled there in any emergency, for the purpose of crossing the northern border and taking possession of the channels by which an enemy might otherwise send armed vessels from the Lower St. Lawrence into the lakes. I regard this as one of the most important features of the present military policy of the United States.

The additional ground which is to be donated will not only serve as a target and drill ground for the regular garrison, but will afford the necessary camping ground for additional troops temporarily assembled there.

I respectfully recommend favorable action upon the bill.

Very respectfully,

J. M. SCHOFIELD,
Major-General, Commanding.

The SECRETARY OF WAR.

The committee recommend the passage of this bill with an amendment of section 2 thereof, so that said section shall read as follows:

"Sec. 2. That the Secretary of War is hereby authorized to accept, free of cost to the United States, a donation of a tract of not less than 500 acres of land for a target range and other military purposes at or near the post of Plattsburgh Barracks, New York: *Provided*, That in his judgment the said tract of land is found to be in all respects adequate and suitable to meet the wants of the post, and that the title shall have been declared valid by the Attorney-General of the United States: *And provided further*, That no part of said sum hereby appropriated shall be expended until the aforesaid tract of land shall have been conveyed to and accepted by the United States."

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The amendments recommended by the committee and set out in the report were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MOFFITT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ROBERT S. HARGOUS.

Mr. QUINN. Mr. Speaker, I call up the joint resolution (S. R. 95) and ask unanimous consent for its immediate consideration.

The joint resolution was read, as follows:

Resolved, etc., That the Secretary of State be, and hereby is, directed to deliver to the person justly entitled to the possession thereof twenty-seven several Mexican bonds, dated September 3, 1845, nine thereof being each for the sum of \$5,000, five each for the sum of \$2,000, four each for the sum of \$1,000, four each for the sum of \$500, and five each for the sum of \$100, numbered, respectively, from 1341 to 1367, both inclusive; also nineteen several drafts, dated April 17, 1862, one being for the sum of \$66,171.69, and the remaining eighteen each for the sum of \$16,542.92 7/8, and drawn by Emmanuel Doblado, acting minister of finance to Mexico, on the Treasury of the United States, and all other papers relating to said bonds and drafts, or to claims of Louis S. Hargous against Mexico presented before the American and Mexican Mixed Commission, numbered 782, 783, and 784, and rejected by said commission for want of jurisdiction, and now in litigation before the courts of Mexico at the suit of Robert S. Hargous, administrator of said Louis S. Hargous, deceased.

The SPEAKER. Is there objection to the present consideration of this joint resolution?

Mr. ANDERSON, of Kansas. Let the report be read.

Mr. QUINN. Mr. Speaker, I will make a brief statement. These bonds came into the estate of Louis S. Hargous, and they were deposited in the State Department in the archives of the American and Mexican Mixed Commission. There is no reason why they should be kept in the Department, and there is a letter from the Secretary of State, Mr. Blaine, to the Senate Committee on Foreign Relations, and also to the House Committee on Foreign Affairs, in which he recommends the return of these bonds to the proper owners.

Mr. HOLMAN. Let that letter be read.

The letter to the House Committee on Foreign Affairs was read, as follows:

DEPARTMENT OF STATE, Washington, June 10, 1890.

SIR: I have the honor to acknowledge the receipt of your letter of the 9th instant, with its inclosures, relating to the delivery to the parties in interest of certain Mexican bonds alleged to have been erroneously deposited in this Department. In reply I have to state that I know of no reason for retaining these bonds on the files of this Department, but in order to determine which bonds the resolution intends to cover, it will be better to introduce in the resolution the name of the claimant as well as the number of the case in which they were filed.

I have the honor to be, sir, your obedient servant,

JAMES G. BLAINE.

Hon. R. R. HITT,
Chairman Committee on Foreign Affairs.

Mr. HOLMAN. I understand that there is another letter.

Mr. QUINN. The other letter is in the same terms and is addressed to the Senate committee.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

There was no objection.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. QUINN moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

By unanimous consent, the House joint resolution of the same purport was laid on the table.

ORDER OF BUSINESS.

Mr. HOLMAN. I move that the House do now adjourn.

The question was taken on the motion of Mr. HOLMAN; and it was rejected—ayes 24, noes 40.

Mr. HOLMAN. Regular order, Mr. Speaker.

The SPEAKER. The regular order is demanded. The regular order is the business on the Speaker's table. First, there are two bills, H. R. 3070 and H. R. 5524, which were recalled from the Senate, and which, if there be no objection, will be referred to the Committee on Pensions. There was no objection, and it was so ordered.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced that the Senate agreed to the amendment of the House to the bill (S. 2805) to provide for the disposal of the Old Fort Lyon and Fort Lyon military reservations, in the State of Colorado, to actual settlers under the provisions of the homestead laws.

The message also announced that the Senate had passed, with an amendment in which concurrence was requested, the bill (H. R. 11773) granting an increase of pension to Mrs. Mary H. Cushing.

The message further announced that the Senate had passed with

amendment the bill (H. R. 2990) for the relief of J. L. Cain and others, asked a conference with the House thereon, and had appointed Mr. MITCHELL, Mr. HIGGINS, and Mr. PASCO conferees on the part of the Senate.

The message further announced that the Senate had passed bills and a joint resolution of the following titles; in which the concurrence of the House was requested:

A bill (S. 2623) to authorize the acquisition of lands for coke ovens and other improvements, and for right of way for wagon-roads, railroads, and tramways in connection with coal mines;

A bill (S. 4161) concerning agricultural entries of land on which mineral deposits are subsequently found; and

Joint resolution (S. R. 125) to extend the time of payment to settlers on the public lands in certain cases.

REPEAL OF TIMBER-CULTURE LAW.

The SPEAKER, as the next business on the Speaker's table, laid before the House the bill (H. R. 7254) to repeal the timber-culture law, and for other purposes, with amendments of the Senate thereto and a request for a conference.

The Clerk proceeded to read the bill.

Mr. PICKLER (after the reading had gone on for some time). Mr. Speaker, I ask unanimous consent that the further reading of the bill be dispensed with and that the conference requested by the Senate be agreed to.

Several members objected.

Mr. DUNNELL. This is a very important bill. It is wholly different from the House bill, and it ought to be referred to the Committee on Public Lands.

The Clerk resumed the reading.

Mr. KILGORE (during the reading). Mr. Speaker, I rise to a privileged motion. I want to move that the House adjourn.

Mr. MCCREARY. Mr. Speaker, I make the point of order that the gentleman can not make a motion to adjourn while the Clerk is reading the bill.

The SPEAKER. The Clerk will proceed.

The Clerk resumed the reading of the bill.

Mr. CUTCHEON (interrupting the reading). This amendment of the Senate is very long and it will take half an hour to read it. I ask unanimous consent that the further reading be dispensed with and that it be printed in the RECORD, so that the House may now adjourn.

Mr. PICKLER. I object. If unanimous consent can be had that the bill, without the reading of the Senate amendment, be referred to a conference committee as requested by the Senate, I have no objection.

Several MEMBERS. Oh, no.

The Clerk resumed the reading.

Mr. ANDERSON, of Kansas (interrupting the reading). I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ANDERSON, of Kansas. I wish to ask whether the Chair has not the power to withdraw this bill for the present.

The SPEAKER. The gentleman from Indiana [Mr. HOLMAN] has called for the regular order, and this is the regular order.

Mr. ANDERSON, of Kansas. We would like to go home.

The SPEAKER. The Clerk will proceed with the reading.

Mr. MCCREARY. I rise to make a parliamentary inquiry. If the gentleman from Indiana [Mr. HOLMAN] should withdraw the call for the regular order, will a motion to adjourn be then in order? I believe it will.

Mr. PICKLER. The reading of the bill has not been finished. How can it be interrupted?

Mr. MCCREARY. I have the right to make a parliamentary inquiry.

The SPEAKER. If the gentleman from South Dakota [Mr. PICKLER] objects, that is equivalent to a call for the regular order.

Mr. HOLMAN. From the hasty reading of the fourth section of this bill, it would appear to interfere very largely with the act we have already passed with regard to desert lands.

Mr. SMITH, of Arizona. Yes; it does.

Mr. PICKLER. The chairman of the Committee on Public Lands [Mr. PAYSON], who would have charge of this bill, is not here now. My object is to have the bill sent to a conference committee for consideration, as requested by the Senate. If by unanimous consent the reading can be waived and the conference agreed to, I shall not object.

Mr. WILSON, of Washington. But a number of us would like to know what is in this amendment. It seems to be an entire change of the bill as passed by the House.

Mr. PICKLER. Then let it be referred to the Committee on Public Lands.

Mr. HOLMAN. There is no objection to that.

The SPEAKER. The gentleman from South Dakota [Mr. PICKLER] asks unanimous consent that the bill with the amendment of the Senate be referred to the Committee on Public Lands.

Mr. WILSON, of Washington. And let the bill and amendment be printed in the RECORD.

The SPEAKER. In the absence of objection, the bill with the

amendment of the Senate will be printed in the RECORD and referred to the Committee on Public Lands. The Chair hears no objection, and it is so ordered.

The bill is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act to amend an act entitled "An act to encourage the growth of timber on the Western prairies," approved June 14, 1878, and all laws relating to or authorizing timber-culture entries, are hereby repealed: Provided, That all entries heretofore made may be perfected to patent in accordance with the provision of said act: And provided further, That all contests initiated against timber-culture entries prior to the passage and approval of this act shall be heard and determined in accordance with the laws, rules, and regulations governing such cases and in force at the date of the passage of this act.

Sec. 2. That any person who has made entry of any public lands of the United States under the timber-culture laws, and who has for a period of four years in good faith complied with the provisions of said laws, shall be entitled to make final proof thereto, and acquire title to the same, by the payment of \$1.25 per acre for such tract, under such rules and regulations as shall be prescribed by the Secretary of the Interior.

Sec. 3. That no land acquired under the provisions of this act shall in any event become liable to the satisfaction of any debt or debts contracted prior to the issuing of the patent therefor.

The amendment of the Senate is to strike out all after the enacting clause and insert the following:

That an act entitled "An act to amend an act entitled 'An act to encourage the growth of timber on the Western prairies,' approved June 14, 1878, and all laws supplementary thereto or amendatory thereof, be, and the same are hereby, repealed, except as to the State of Nebraska: *Provided, That this repeal shall not affect any valid rights heretofore accrued or accruing under said laws, but all bona fide claims lawfully initiated before the passage of this act may be perfected upon due compliance with law, in the same manner, upon the same terms and conditions, and subject to the same limitations, forfeitures, and contests as if this act had not been passed: And provided further, That the following words of the last clause of section 2 of said act, namely, "That not less than twenty-seven hundred trees were planted on each acre," are hereby repealed: And provided further, That in computing the period of cultivation the time shall run from the date of the entry, if the necessary acts of cultivation were performed within the proper time: And provided further, That the preparation of the land and the planting of trees shall be construed as acts of cultivation, and the time authorized to be so employed and actually employed shall be computed as a part of the eight years of cultivation required by statute: *Provided, That any person who has made entry of any public lands of the United States under the timber-culture laws, and who has for a period of four years in good faith complied with the provisions of said laws shall be entitled to make final proof thereto, and acquire title to the same, by the payment of \$1.25 per acre for such tract, under such rules and regulations as shall be prescribed by the Secretary of the Interior: And provided further, That no land acquired under the provisions of this act shall in any event become liable to the satisfaction of any debt or debts contracted prior to the issuing of the final certificate therefor.**

Sec. 2. That an act to provide for the sale of desert lands in certain States and Territories, approved March 3, 1877, is hereby amended by adding thereto the following sections:

"Sec. 4. That at the time of filing the declaration hereinbefore required the party shall also file a map of said land, which shall exhibit a plan showing the mode of contemplated irrigation, and which plan shall be sufficient to thoroughly irrigate and reclaim said land, and prepare it to raise ordinary agricultural crops, and shall also show the source of the water to be used for irrigation and reclamation. Persons entering or proposing to enter separate sections, or fractional parts of sections, of desert lands may associate together in the construction of canals and ditches for irrigating and reclaiming all of said tracts, and may file a joint map or maps showing their plan of internal improvements.

*"Sec. 5. That no land shall be patented to any person under this act unless he or his assigns shall have expended in the necessary irrigation, reclamation, and cultivation thereof, by means of main canals and branch ditches, and in permanent improvements upon the land, and in the purchase of water rights for the irrigation of the same, at least \$3 per acre of the whole tract reclaimed and patented in the manner following: Within one year after making entry for such tract of desert land as aforesaid the party so entering shall expend not less than \$1 per acre for the purposes aforesaid; and he shall in like manner expend the sum of \$1 per acre during the second and also during the third year thereafter, until the full sum of \$3 per acre is so expended. Said party shall file during each year with the register proof by the affidavits of two or more credible witnesses, that the full sum of \$1 per acre has been expended in such necessary improvements during such year, and the manner in which expended, and at the expiration of the third year a map or plan showing the character and extent of such improvements. If any party who has made such application shall fail during any year to file the testimony aforesaid the lands shall revert to the United States, and the 35 cents advanced payment shall be forfeited to the United States, and the entry shall be canceled. Nothing herein contained shall prevent a claimant from making his final entry and receiving his patent at an earlier date than hereinbefore prescribed, provided that he then makes the required proof of reclamation to the aggregate extent of \$3 per acre: *Provided, That proof be further required of the cultivation of one-eighth of the land.**

"Sec. 6. That this act shall not affect any valid rights heretofore accrued under said act of March 3, 1877, but all bona fide claims heretofore lawfully initiated may be perfected, upon due compliance with the provisions of said act, in the same manner, upon the same terms and conditions, and subject to the same limitation, forfeitures, and contests as if this act had not been passed; or said claims, at the option of the claimant, may be perfected and patented under the provisions of said act, as amended by this act, so far as applicable; and all acts and parts of acts in conflict with this act are hereby repealed.

*"Sec. 7. That at any time after filing the declaration, and within the period of four years thereafter, upon making satisfactory proof to the register and the receiver of the reclamation and cultivation of said land to the extent and cost and in the manner aforesaid, and substantially in accordance with the plans herein provided for, and that he or she is a citizen of the United States, and upon payment to the receiver of the additional sum of \$1 per acre for said land, a patent shall issue therefor to the applicant or his assigns: *Provided, however, That additional proofs may be required at any time within the period prescribed by law, and that the claims or entries made under this or any preceding act shall be subject to contest, as provided by the law relating to homestead cases, for illegal inception, abandonment, or failure to comply with the requirements of law, and upon satisfactory proof thereof shall be canceled, and the lands and moneys paid therefor, shall be forfeited to the United States.**

"Sec. 8. That the provisions of the act to which this is an amendment, and the amendments thereto, shall apply to and be in force in the State of Colorado, as well as the States named in the original act."

Sec. 9. That section 2238 of the Revised Statutes be amended so as to read as follows:

"Sec. 2238. Any bona fide settler under the pre-emption, homestead, or other

settlement law shall have the right to transfer, by warranty against his own acts, any portion of his claim for church, cemetery, or school purposes, or for the right of way of railroads, canals, or ditches for irrigation or drainage across it; and the transfer for such public purposes shall in no way vitiate the right to complete and perfect the title to his claim."

SEC. 4. That section 2301 of the Revised Statutes be amended so as to read as follows:

"SEC. 2301. Nothing in this chapter shall be so construed as to prevent any person who shall hereafter avail himself of the benefits of section 2289 from paying the minimum price for the quantity of land so entered at any time after the expiration of thirty calendar months from the date of such entry, and obtaining a patent therefor, upon making proof of settlement and of residence and cultivation for such period of thirty calendar months."

SEC. 5. That whenever it shall appear to the Commissioner of the General Land Office that a clerical error has been committed, such entry may be suspended upon proper notification to the claimant, through the local land office, until the error has been corrected; and after final proof of the claimant and the issuing of the duplicate receiver's receipt upon any final entry under the pre-emption, timber-culture, desert-land, or homestead acts, or under this act, if it shall appear to the satisfaction of the Secretary of the Interior that such duplicate receiver's receipt has been obtained by fraud, although the final proofs may be in due form and *prima facie* sufficient, the Secretary shall hold the entry for cancellation, and at once notify the claimant, which action shall become absolutely final, unless within sixty days from notice in writing served upon the claimant or other party in interest such party shall file with the Secretary of the Interior a written request for a judicial investigation, in which case the Secretary shall suspend further action and file without delay with the Attorney-General of the United States notice of such suspension, with his reasons therefor; and it shall be the duty of the Attorney-General to commence proceedings at once in the proper court to cancel such entry, if, in his judgment, such proceedings can be maintained; and if, in his judgment, such proceedings can not be maintained, or no proceeding shall be instituted one year after the filing in his office of the notice of the suspension, then a patent shall be issued upon such entry: *Provided*, That nothing herein shall be held or construed to impair the right of any bona fide purchaser or mortgagee of any such lands; and all purchasers, mortgagees, and parties in interest of record shall be made parties to such proceedings and may defend in their own right, and all entries made under the pre-emption or homestead laws, in which final proof and pay may have been made and certificates issued, and to which there are no adverse claims originating prior to final entry, and which may have been sold or encumbered prior to the 1st day of March, 1883, and after final entry, to bona fide purchasers, or incumbrances, for a valuable consideration, shall be confirmed and patented upon presentation of satisfactory proof to the Land Department of such sale or incumbrance. This section shall apply to all cases of suspended entries heretofore made under the United States pre-emption, timber-culture, desert-land, and homestead acts: *Provided*, That after the lapse of two years from the date of the issuance of the receiver's receipt upon the final entry of any tract of land under the homestead, timber-culture, desert-land, or pre-emption laws, or under this act, and when there shall be no pending contest or protest against the validity of such entry, the entryman shall be entitled to a patent conveying the land by him entered, and the same shall be issued to him; but this proviso shall not be construed to require the delay of two years from the date of said entry before the issuing of a patent therefor.

SEC. 6. That suits by the United States to vacate and annul any patent heretofore issued shall only be brought within five years from the passage of this act, and suits to vacate and annul patents hereafter issued shall only be brought within five years after the date of the issuance of such patents. And in the States of Colorado, Montana, Idaho, North Dakota, and South Dakota, and the gold and silver regions of Nevada, and the Territory of Utah, in any criminal prosecution or civil action by the United States for a trespass on such public timber lands or to recover timber or lumber cut thereon, it shall be a defense if the defendant shall show that the said timber was so cut or removed from the timber lands for use in such State or Territory by a resident thereof for agricultural, mining, manufacturing, or domestic purposes, and has not been transported out of the same. But nothing herein contained shall operate to enlarge the rights of any railway company to cut timber on the public domain: *Provided*, That the Secretary of the Interior may make suitable rules and regulations to carry out the provisions of this section.

SEC. 7. That hereafter no public lands of the United States not heretofore offered at public sale, except abandoned military or other reservations, isolated and disconnected fractional tracts authorized to be sold by section 2455 of the Revised Statutes, and mineral and other lands the sale of which at public auction has been authorized by acts of Congress of a special nature having a local application, shall be sold at public sale.

SEC. 8. That nothing in this act shall change, repeal, or modify any agreements or treaties made with any Indian tribes for the disposal of their lands, or of land ceded to the United States to be disposed of for the benefit of such tribes, and the proceeds thereof to be placed in the Treasury of the United States; and the disposition of such lands shall continue in accordance with the provisions of such treaties or agreements.

SEC. 9. That until otherwise ordered by Congress lands in Alaska may be entered for town-site purposes, for the several use and benefit of the occupants of such town sites, by such trustee or trustees as may be named by the Secretary of the Interior for that purpose, such entries to be made under the provisions of section 2287 of the Revised Statutes as near as may be; and when such entries shall have been made the Secretary of the Interior shall provide by regulation for the proper execution of the trust in favor of the inhabitants of the town site, including the survey of the land into lots, according to the spirit and intent of said section 2287 of the Revised Statutes, whereby the same result would be reached as though the entry had been made by a county judge and the disposal of the lots in such town site and the proceeds of the sale thereof had been prescribed by the legislative authority of a State or Territory: *Provided*, That no more than 640 acres shall be embraced in one town-site entry.

SEC. 10. That any citizen of the United States twenty-one years of age, and any association of such citizens, and any corporation incorporated under the laws of the United States, or of any State or Territory of the United States now authorized by law to hold lands in the Territories now or hereafter in possession of and occupying public lands in Alaska for the purpose of trade or manufactures, may purchase not exceeding 160 acres, to be taken as near as practicable in a square form, of such land, at \$1.50 per acre: *Provided*, That in case more than one person, association, or corporation shall claim the same tract of land, the person, association, or corporation having the prior claim by reason of possession and continued occupation shall be entitled to purchase the same, but the entry of no person, association, or corporation shall include improvements made by or in possession of another prior to the passage of this act.

SEC. 11. That it shall be the duty of any person, association, or corporation entitled to purchase land under this act to make an application to the United States marshal, *ex officio* surveyor-general of Alaska, for an estimate of the cost of making a survey of the lands occupied by such person, association, or corporation, and the cost of the clerical work necessary to be done in the office of the said United States marshal, *ex officio* surveyor-general; and on the receipt of such estimate from the United States marshal, *ex officio* surveyor-general, the said person, association, or corporation shall deposit the amount in a United States depository, as is required by section numbered 2401, Revised Statutes, relating to deposits for surveys.

That on the receipt by the United States marshal, *ex officio* surveyor-general, of the said certificates of deposit, he shall employ a competent person to make such survey, under such rules and regulations as may be adopted by the Secretary of the Interior, who shall make his return of his field-notes and maps to the office of the said United States marshal, *ex officio* surveyor-general; and the said United States marshal, *ex officio* surveyor-general, shall cause the said field-notes and plats of such survey to be examined, and if correct, approve the same, and shall transmit certified copies of such maps and plats to the office of the Commissioner of the General Land Office.

That when the said field-notes and plats of said survey shall have been approved by the said Commissioner of the General Land Office, he shall notify such person, association, or corporation, who shall then, within six months after such notice, pay to the said United States marshal, *ex officio* surveyor-general, for such land, and patent shall issue for the same.

SEC. 12. That none of the provisions of the last two preceding sections of this act shall be so construed as to warrant the sale of any lands belonging to the United States which shall contain coal or the precious metals, or any town site, or which shall be occupied by the United States for public purposes, or which shall be reserved for such purposes, or to which the natives of Alaska have prior rights by virtue of actual occupation, or which shall be selected by the United States Commissioner of Fish and Fisheries on the islands of Kodiak and Afognak for the purpose of establishing fish-culture stations. And all tracts of land not exceeding 640 acres in any one tract now occupied as missionary stations in said district of Alaska are hereby excepted from the operation of the last three preceding sections of this act. No portion of the islands of the Pribylov Group or the Seal Islands of Alaska shall be subject to sale under this act; and the United States reserves, and there shall be reserved in all patents issued under the provisions of the last two preceding sections, the right of the United States to regulate the taking of salmon and to do all things necessary to protect and prevent the destruction of salmon in all the waters of the lands granted frequented by salmon.

SEC. 13. That until otherwise provided by law the body of lands known as Annette Islands, situated in Alexander Archipelago, in Southeastern Alaska, on the north side of Dixon's entrance, be, and the same is hereby, set apart as a reservation for the use of the Metlakatla Indians, and those people known as Metlakatla Indians who have recently emigrated from British Columbia to Alaska, and such other Alaskan natives as may join them, to be held and used by them in common, under such rules and regulations and subject to such restrictions as may be prescribed from time to time by the Secretary of the Interior.

SEC. 14. That town-site entries may be made by incorporated towns and cities on the mineral lands of the United States, but no title shall be acquired by such towns or cities to any vein of gold, silver, cinnabar, copper, or lead, or to any valid mining claim or possession held under existing law. When mineral veins are possessed within the limits of an incorporated town or city, and such possession is recognized by local authority or by the laws of the United States, the title to town lots shall be subject to such recognized possession and the necessary use thereof, and when entry has been made or patent issued for such town sites to such incorporated town or city, the possessor of such mineral vein may enter and receive patent for such mineral vein, and the surface ground appertaining thereto: *Provided*, That no entry shall be made by such mineral-vein claimant for surface ground where the owner or occupier of the surface ground shall have had possession of the same before the inception of the title of the mineral-vein applicant.

SEC. 15. That reservoir sites located or selected and to be located and selected under the provisions of "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1889, and for other purposes," and amendments thereto, shall be restricted to and shall contain only so much land as is actually necessary for the construction and maintenance of reservoirs; and that the provision of "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1891, and for other purposes," which reads as follows, namely, "No person who shall after the passage of this act enter upon any of the public lands with a view to occupation, entry, or settlement under any of the land laws shall be permitted to acquire title to more than 320 acres in the aggregate under all said laws," shall be construed to include in the maximum amount of lands the title to which is permitted to be acquired by one person only agricultural lands and not to include lands entered or sought to be entered under the coal-land laws, mineral-land laws, or timber and stone act.

SEC. 16. That the right of way through the public lands of the United States is hereby granted to any canal or ditch company formed for the purpose of irrigation and duly organized under the laws of any State or Territory, which shall have filed with the Secretary of the Interior a copy of its articles of incorporation, and due proofs of its organization under the same, to the extent of the ground occupied by the water of the canal and its laterals, and 50 feet on each side of the marginal limits thereof; also the right to take, from the public lands adjacent to the line of the canal or ditch, material, earth, and stone necessary for the construction of such canal or ditch.

SEC. 17. That any canal or ditch company, desiring to secure the benefits of this act shall, within twelve months after the location of 10 miles of its canal, if the same be upon surveyed lands, and if upon unsurveyed lands, within twelve months after the survey thereof by the United States, file with the register of the land office for the district where such land is located a map of its canal or ditch; and upon the approval thereof by the Secretary of the Interior the same shall be noted upon the plats in said office, and thereafter all such lands over which such rights of way shall pass shall be disposed of subject to such right of way. Whenever any person or corporation, in the construction of any canal or ditch, injures or damages the possession of any settler on the public domain, the party committing such injury or damage shall be liable to the party injured for such injury or damage.

SEC. 18. That the provisions of this act shall apply to all canals and ditches heretofore or hereafter constructed, whether constructed by corporations, individuals, or association of individuals on the filing of the certificates and maps herein provided for. If such ditch or canal has been or shall be constructed by an individual or association of individuals, it shall be sufficient for such individual or association of individuals to file with the Secretary of the Interior, and with the register of the land office where said land is located, a map of the line of such canal or ditch, as in case of a corporation, with the name of the individual owner or owners thereof, together with the articles of association, if any there be. Plats heretofore filed shall have the benefit of this act from the date of their filing, as though filed under it: *Provided*, That if any section of said canal shall not be completed within five years after the location of said section, the rights herein granted shall be forfeited as to any uncompleted section of said canal or ditch, to the extent that the same is not completed at the date of the forfeiture.

SEC. 19. That nothing in this act shall authorize such canal or ditch company to occupy such right of way except for the purpose of said canal or ditch, and then only so far as may be necessary for the construction, maintenance, and care of said canal or ditch.

Passed the Senate with amendments September 16, 1890.

Attest:

ANSON G. MCCOOK, Secretary.

Mr. McCREARY. I now move that the House adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 20 minutes p. m.) the House adjourned.

EXECUTIVE AND OTHER COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following communications were taken from the Speaker's table and referred as follows:

DEPREDACTION CLAIM OF THOMAS E. OWEN.

A letter from the Secretary of the Interior, transmitting a communication from the Commissioner of Indian Affairs and also affidavits relative to the depredation claim of Thomas E. Owen—to the Select Committee on Indian Depredation Claims.

DEPREDACTION CLAIM OF WILLIAM SLUSHER.

A letter from the Secretary of the Interior, transmitting a copy of a communication from the Commissioner of Indian Affairs and also affidavits relative to the depredation claim of William Slusher—to the Select Committee on Indian Depredation Claims.

RESOLUTIONS.

Under clause 3 of Rule XXII, the following resolution was introduced and referred as follows:

By Mr. CASWELL:

Resolved, That on Wednesday, December 3, 1890, after a morning hour of sixty minutes, the House proceed to the consideration of Senate bill No. 139, known as the direct-tax bill, and that at 4 o'clock of that day the previous question be considered as ordered on the bill and pending amendments;

to the Committee on Rules.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, reports of committees were delivered to the Clerk and disposed of as follows:

Mr. THOMAS, from the Committee on War Claims, reported favorably the bill of the House (H. R. 12114) for the relief of Amos L. Allen, survivor of the firm of Larrabee & Allen, accompanied by a report (No. 3184)—to the Committee of the Whole House.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported favorably the following bills of the Senate; which were severally referred to the Committee of the Whole House:

A bill (S. 163) to reimburse certain persons who expended moneys and furnished services and supplies in repelling invasions and suppressing Indian hostilities within the territorial limits of the present State of Nevada. (Report No. 3185.)

A bill (S. 1910) for the examination and allowance of certain awards made by a board of claims to certain citizens of Jefferson County, Kentucky. (Report No. 3186.)

A bill (S. 3461) for the relief of the trustees of the Methodist Episcopal Church of Martinsburgh, W. Va. (Report No. 3187.)

A bill (S. 611) for the allowance of a claim in favor of Milton J. Durham, administrator of Leonard Taylor, deceased, of Boyle County, Kentucky, for stores and supplies taken and used by the United States Army, as reported by the Court of Claims under the provisions of the act of March 3, 1883, known as the Bowman act. (Report No. 3188.)

Mr. BROWNE, of Virginia, from the Committee on Pensions, reported favorably the bill of the House (H. R. 11534) to pension Mrs. Letitia Staenglen, accompanied by a report (No. 3189)—to the Committee of the Whole House.

Mr. LEHLBACH, from the Committee on Public Buildings and Grounds, reported with amendment the bill of the Senate (S. 248) for the erection of a public building at Tampa, Fla., accompanied by a report (No. 3190)—to the Committee of the Whole House on the state of the Union.

Mr. THOMAS, from the Committee on War Claims, reported favorably the bill of the House (H. R. 7819) for the relief of William Doyle and the legal representatives of Hudson Cooper, accompanied by a report (No. 3191)—to the Committee of the Whole House.

Mr. STONE, of Kentucky, from the Committee on War Claims, to which was referred the joint resolution of the House (H. Res. 165) for the relief of Patrick G. Meath, reported in lieu thereof the following resolution:

Resolved, etc., That the claim of Patrick G. Meath be, and is hereby, referred to the Court of Claims to find and report the facts in the case as provided in the act of March 3, 1883, known as the Bowman act, and amended by section 14 of an act "to provide for bringingsuits against the Government of the United States," approved March 3, 1887,

accompanied by a report (No. 3192)—to the Committee of the Whole House.

Mr. DUNPHY, from the Committee on Claims, reported favorably the bill of the House (H. R. 9611) for the relief of Emile M. Blum, late commissioner-general to the Barcelona exposition, accompanied by a report (No. 3193)—to the Committee of the Whole House.

Mr. SMITH, of Illinois, from the Committee on Claims, reported favorably the bill of the House (H. R. 2525) for the relief of John M. Giffin, accompanied by a report (No. 3194)—to the Committee of the Whole House.

Mr. REILLY, from the Committee on Mines and Mining, reported with amendment the bill of the House (H. R. 6982) to submit to the Court of Claims for adjudication the title of William McGarrahan to

the mineral and other interests of the Rancho Panoche Grande tract of land in the State of California, and for other purposes, accompanied by a report (No. 3195)—to the Committee of the Whole House.

BILLS AND JOINT RESOLUTIONS.

Under clause 3 of Rule XXII, bills of the following titles were introduced, severally read twice, and referred as follows:

By Mr. HOPKINS: A bill (H. R. 12129) to establish a branch mint of the United States at Chicago, in the State of Illinois—to the Committee on Coinage, Weights, and Measures.

By Mr. FEATHERSTON (by request): A bill (H. R. 12130) to protect agricultural products—to the Committee on Agriculture.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. BROOKSHIRE: A bill (H. R. 12131) for the relief of Henson D. Pittman—to the Committee on Military Affairs.

By Mr. BURTON: A bill (H. R. 12132) granting a pension to Ann Kenney—to the Committee on Invalid Pensions.

By Mr. DARLINGTON: A bill (H. R. 12133) granting a pension to Georgiana W. Vogdes—to the Committee on Invalid Pensions.

By Mr. DUNPHY: A bill (H. R. 12134) to correct the military record of Timothy Connolly—to the Committee on Military Affairs.

By Mr. KINSEY (by request): A bill (H. R. 12135) to pension Christian J. Davault, late private Capt. John R. Cochran's six months' Independent Company, Missouri Militia—to the Committee on Invalid Pensions.

Also (by request) a bill (H. R. 12136) to pension Thomas A. J. Eaker, late corporal Capt. John R. Cochran's six months' Independent Company, Missouri Militia—to the Committee on Invalid Pensions.

Also (by request) a bill (H. R. 12137) to pension George W. Robins, late farrier, Capt. John R. Cochran's six months' Independent Company, Missouri Militia—to the Committee on Invalid Pensions.

Also (by request), a bill (H. R. 12138) to pension Solomon Shanks, late private Capt. John R. Cochran's six months' Independent Company, Missouri Militia—to the Committee on Invalid Pensions.

Also (by request), a bill (H. R. 12139) to pension Joseph Shrum, late private Capt. John R. Cochran's twelve months' Independent Company, Missouri Militia—to the Committee on Invalid Pensions.

By Mr. LANGSTON: A bill (H. R. 12140) for the relief of the Neptune Works—to the Committee on War Claims.

Also, a bill (H. R. 12141) for the relief of the South Brooklyn Works—to the Committee on War Claims.

By Mr. MOREY: A bill (H. R. 12142) for the relief of Jacob Calvin—to the Committee on Military Affairs.

By Mr. RUSSELL: A bill (H. R. 12143) granting a pension to Isabella L. Bailey—to the Committee on Invalid Pensions.

By Mr. SMITH, of Illinois: A bill (H. R. 12144) granting a pension to Jacob F. Blessing, late a private of Company H, Thirty-first Regiment of Illinois Volunteers in the war of the rebellion—to the Committee on Invalid Pensions.

By Mr. WICKHAM: A bill (H. R. 12145) granting an increase of pension to Edwin H. Dill—to the Committee on Invalid Pensions.

By Mr. WRIGHT: A bill (H. R. 12146) to remove the charge of desertion from Frederick Theodore Leavenworth—to the Committee on Military Affairs.

By Mr. HENDERSON, of Illinois: A bill (H. R. 12147) to grant a pension to Elender Johnston—to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. CARUTH: Petition of the superintendents and crews of the life-saving stations at Louisville, Ky., favoring an increase of pay to all persons engaged in that service—to the Committee on Commerce.

Also, petitions of the Board of Trade of San Antonio, Tex., and of the Commercial Travelers' Association of Indiana, favoring the passage of House bill 11744, in regard to mailing-boxes at railroad stations—to the Committee on the Post-Office and Post-Roads.

By Mr. HAYNES: Petition of L. M. Clemons and others, for an increase of compensation to the superintendents, keepers, and surfmen engaged in the United States Life-Saving Service—to the Committee on Commerce.

By Mr. O'FERRALL: Petition of John Soma, of Gage County, Virginia, for reference of his claim for stores taken during the late war—to the Committee on War Claims.

By Mr. RUSSELL: Petition for pension to Isabella L. Bailey—to the Committee on Invalid Pensions.

By Mr. STOCKDALE: Petition of citizens of Mississippi, for the building of a United States court building at Mississippi City, Miss.—to the Committee on Public Buildings and Grounds.

SENATE.

FRIDAY, September 26, 1890.

The Senate met at 12 o'clock m.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. CULLOM presented a memorial signed by a large number of citizens of Champaign, Ill., remonstrating against the passage of any bankruptcy law; which was ordered to lie on the table.

Mr. BLAIR. I present a letter from the Coal Rollers' Benevolent Union of Louisiana, an organization numbering 1,700 colored men, inclosing their memorial protesting against the passage of the Conger lard bill, stating "we have viewed this bill with great apprehension, affecting as it does an industry in which we and our fellow-citizens are deeply interested." They also pray for the appointment of a commission to examine into the condition of the cotton industry and the effect of this bill upon that industry. I move that the letter and memorial be referred to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. PADDOCK. I present a petition of the Wholesale Grocers' Association of Boston, Mass., and also a like petition of the Wholesale Grocers' Association of New York, praying for the passage of Senate bill 3991, known as the pure-food bill. I also present a similar petition from Ross & Co., of Pittston, Pa. I move that these petitions be referred to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. SPOONER presented the petition of Farmers' Alliance, No. 67, of Burns, La Crosse County, Wisconsin, praying for the passage of the Conger lard bill; which was referred to the Committee on Agriculture and Forestry.

REPORTS OF COMMITTEES.

Mr. FRYE, from the Committee on Commerce, to whom was referred the bill (S. 1978) to establish ports of delivery at Meridian, at Jackson, and at Greenville, in the State of Mississippi, reported adversely thereon, and the bill was postponed indefinitely.

Mr. HALE. By direction of the Committee on Naval Affairs I report back favorably, without amendment, the joint resolution (S. R. 129) making an appropriation to purchase nickel ore or nickel matte to be used for certain naval purposes. I ask that the joint resolution lie on the table, as the House of Representatives has passed a similar measure, and when it reaches the Senate I shall ask it to take up the joint resolution I now report and substitute the House joint resolution for it.

The VICE-PRESIDENT. The joint resolution will lie on the table.

Mr. DAVIS, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 6052) granting a pension to Martha A. Bowling;

A bill (H. R. 9026) granting a pension to N. W. Leasure;

A bill (H. R. 5835) to increase the pension of Mrs. Maria B. Judah; and

A bill (H. R. 11650) granting a pension to Emily Fry.

Mr. BLAIR, from the Committee on Pensions, to whom were referred the following bills, reported them each without amendment, and submitted reports thereon:

A bill (H. R. 6338) granting a pension to Eben Muse;

A bill (H. R. 3796) granting a pension to Abraham Zimmerman; and

A bill (H. R. 6916) for the relief of Adeline Bly, widow of a soldier of the war of 1812.

Mr. PADDOCK, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 7375) granting a pension to Mrs. Susan A. Dean;

A bill (H. R. 4825) granting a pension to Arthur Connery;

A bill (H. R. 2002) granting a pension to John C. Morrieon; and

A bill (H. R. 4179) granting a pension to Nancy J. Dorlos.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the bill (H. R. 9565) granting an increase of pension to Joseph M. Wilson, reported it without amendment, and submitted a report thereon.

Mr. DAWES, from the Committee on Indian Affairs, to whom was referred the bill (S. 4424) to enable the Secretary of the Interior to complete the appraisement and sale of lands patented to certain Flat-head Indians in the Bitter Root Valley in Montana, and providing for the removal of said patentees to the Jocko reservation, reported it without amendment.

SALLIE DOUGLASS HARTRANFT.

Mr. DAVIS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1840) granting a pension to Sallie

Dougllass Hartranft, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment to said bill, and agree to the same.

C. K. DAVIS,
PHILETUS SAWYER,
Managers on the part of the Senate.
E. N. MORRILL,
S. A. CRAIG,
CLARKE LEWIS,
Managers on the part of the House.

The VICE-PRESIDENT. The report requires no action by the Senate.

BILLS INTRODUCED.

Mr. SHERMAN introduced a bill (S. 4430) providing for the purchase of the Maltby House for the use of the Senate; which was read twice by its title.

Mr. SHERMAN. I wish to state the reason why this matter has been delayed so long. The Committee on Rules were of opinion early in the session that this property ought to be purchased. It was mentioned and acquiesced in pretty generally, but at that time it was discovered that there was a controversy about the title, the parties owning the property being in litigation with each other. That litigation has finally been settled, and now the property is offered to the Government upon the terms proposed in this bill. I ask that the bill be referred to the Committee on Appropriations, expressing my opinion that the offer ought to be accepted, if the property is to be purchased at all. Originally I think the proposition came from the Committee on Rules, but I simply introduce the bill and ask that it be referred to the Committee on Appropriations.

The VICE-PRESIDENT. The bill will be referred to the Committee on Appropriations.

Mr. DAVIS introduced a bill (S. 4431) to remove the charge of desertion standing against the name of Joseph G. Utter; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. SANDERS introduced a bill (S. 4432) for the relief of Henry R. Horr; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. INGALLS introduced a bill (S. 4433) directing the payment to Thomas F. Richardville his fees and expenses as delegate for the Western Miami Indians, of Indian Territory; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. MORGAN introduced a bill (S. 4434) for the relief of Henry Bazinsky, administrator of Abraham Bazinsky, of Warren County, Mississippi; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4435) for the relief of T. J. Powell, administrator of Warren M. Benton, deceased, of West Carroll Parish, Louisiana; which was read twice by its title, and referred to the Committee on Claims.

Mr. SANDERS introduced a bill (S. 4436) for the relief of Ellen P. Clark; which was read twice by its title, and referred to the Committee on Indian Affairs.

DISTRICT PUBLIC PARK.

The VICE-PRESIDENT. If there be no further morning business, that order is closed.

Mr. INGALLS. I move that the Senate proceed to the consideration of the report of the committee of conference on the disagreeing votes of the two Houses upon the bill (S. 4) authorizing the establishment of a public park in the District of Columbia.

The VICE-PRESIDENT. The report is in order. The question is on concurring in the report of the conference committee.

Mr. GORMAN. Mr. President, I have since the adjournment last evening read the conference report very carefully, as well as looked over the proceedings that preceded it in both Houses. I take it for granted from what the Senator in charge of the bill, the Senator from Kansas [Mr. INGALLS], the chairman of the Committee on the District of Columbia, stated on the floor of the Senate last evening, that probably at this late hour in the session no better adjustment of the matter can be made than is contained in this report, and that its rejection would in all probability lead to further delay, if not the entire postponement of securing this property. I therefore shall content myself with saying that I trust at some early date the Senator in charge of this bill, who is the chairman of the committee, will endeavor by proper legislation to adjust this matter so that it will be more equitable to the people of this District, and that the government of this park may be taken out of the hands of the military and put where it properly belongs, under civilians, either the commissioners of the District of Columbia or others.

I regret to see that in the consideration of this bill the army officer assigned as one of the commissioners of the District of Columbia is alone selected to the exclusion of the two civilians. It is true that the bill provides that the President shall appoint three other persons to act with the engineer officer in charge of the District affairs. But I think the provision is unfortunate. I think the whole tendency of our legislation in the past has been to place under the control of army offi-

cers the construction of public buildings, the supervision of public parks, and other matters that properly belong to civilians. I am aware that the Engineer Corps of the Army stand high, and that in all the works they have had under their charge they have conducted the affairs very well, and economically in all probability, but I do not believe that it is wise policy to assign officers either of the Army or the Navy to employment where civilians alone have heretofore been engaged in the control. It seems, however, that we have reached a point in the history of the country when not only officers of the Army, but of the Navy, are constantly adding to their duties and making such encroachments. I think it is to be regretted. I think it ought to be checked.

At the same time I should not be willing to contest this report and delay it if I could, because I believe that the whole country is interested in having this great national park here at the Capital. I think it has probably been already too long delayed. Ten years ago the property could have been had for less than half of its present value, and a delay for a year or two longer I have no doubt would increase the cost of it half a million dollars, or more.

I therefore shall content myself with voting for the report with the expression of the hope that the chairman of the committee will at the next session of Congress bring in a bill remedying the defects of this measure both as to the amount to be paid by the people of the District of Columbia and as to the government of the park.

Mr. GIBSON. Mr. President, I have felt very great interest in the establishment of the Rock Creek Park. It is my fortune to be very familiar with the area of land embraced in it on account of my custom to ride a great deal on horseback. I do not believe that there can be found anywhere in the world a region of country more suitable for a public park than this. I think at the same time that we are placing an unjust burden upon the people of the city of Washington because it is proposed that they shall be taxed for one-half of the expense. The National Government should pay for the whole of it, but I am so anxious to see it established that I shall vote for the bill just as it is, hoping for amendments hereafter.

I think that the Senator from Maryland [Mr. GORMAN] makes a mistake in supposing that this park is to be under the officers of the Engineer Corps of the Army. I find in section 7 of the bill "that the public park authorized and established by this act shall be under the joint control of the commissioners of the District of Columbia and the Chief of Engineers of the United States Army, whose duty it shall be," etc. So it appears from the bill itself that the commissioners taken from civil life as well as the engineer officer, who constitute the government of the District of Columbia, will have charge of this park.

I have but one apprehension about the whole matter, and that is that the engineers will go in there and despoil the park of its natural beauties. The less work done upon it, the better. At a point just beyond Blagden mill there is an elbow in Rock Creek forming a dell which is one of the loveliest spots in the neighborhood of Washington, and I hope that it, at all events, may be preserved just as it is.

Mr. REAGAN. Mr. President, I shall vote against concurring in this report, because I do not think it was necessary to have provided for 2,000 acres of land for a park at the cost which is to be incurred for it. There are 700 acres, I believe, in the park for the great city of New York, and I have never heard any complaint that that was not large enough. Why we should put 2,000 acres in a park here, and put some of it so remotely from the city as this is for a park, I can hardly understand. Certainly the necessity for 2,000 acres for a park does not appear, especially when it is to be obtained at an expense of \$600,000 to the District and \$600,000 to the general Treasury, for of course the maximum will be reached, whatever that is, and it is just as well to say that that much shall be paid for the property.

Mr. SHERMAN. Mr. President, I have always been in favor of the establishment of this park. Years ago, when the subject was first broached, it was supposed that the park could be purchased for about \$200,000. I have no doubt it could have been purchased at that time for \$200,000 or less. Then all this property was suburban. It is not fit for cultivation as farms. It is open land. Every one who has ridden over it, as I have both on horseback and in carriages and in almost every way, knows that it is utterly useless for ordinary farming purposes. But the extension of the city streets and the extension of the city authority through the District of Columbia has now made this property more valuable, so that probably it is worth six times as much to-day as it was twenty years ago when the subject was first broached. It was a great mistake not to buy it then.

The Senator from Texas thinks that the amount of 2,000 acres is too much. I have no doubt that this will be the most valuable purchase ever made by the Government since the first foundation, because these 2,000 acres will increase enormously in value from year to year. The great mistake made in the bill, in my judgment, is that the Government takes the corporation of Washington into partnership with it in this purchase. I think, in the first place—I hardly like to use the word, but I regard it as a mean thing to do. The Government is able to pay for this property, and the District is not. There is no reason why the people of Washington should be compelled to pay for a portion of the property. The Government ought to own it. It

would be a good investment taking that narrow view, but in any way you look at it the Government ought to own it absolutely.

Besides that, I do not think either the army engineers or the District commissioners ought necessarily to have any part or lot in it. We have now in the employ of the Government three men who are specially fitted for this particular work, men who have been trained by life-long experience, and who have the taste, the experience, and the ability to perform this duty especially, above all others, and I know no reason why an army officer is prepared for this kind of work. We have here three gentlemen who have had charge of this magnificent planting of trees in this city. All of them are landscape gardeners, all of them familiar with the selection of the ground to be taken and the lines of curvature, because it is a very irregular piece of land that is appropriated by this bill, and the lines of curvature, the questions of taste, have much more to do with it than the question of quantity. The boundaries of this reservation ought to be defined by men who know how the grounds can be improved, how they can be reclaimed, how a tree planted here or an open glade there will add to the beauty and value of the park. We have three men of that kind in the city of Washington, who are probably unsurpassed with but one exception. I know one, and that is the gentleman who prepared the plan of ornamenting the grounds about the Capitol. Those three men are admirably qualified for this work.

Mr. HARRIS. Will the Senator allow me to suggest to him that the bill provides for the appointment of three civilian commissioners by the President, by and with the advice and consent of the Senate?

Mr. SHERMAN. Not to lay off the grounds.

Mr. HARRIS. These experienced persons that the Senator refers to may be selected by the President, if the President chooses to select them.

Mr. SHERMAN. I am very glad to hear it. I supposed the accomplished Chief Engineer of the Army and the engineer commissioner of the District of Columbia were the persons designated to prescribe the boundaries of this park.

Mr. HARRIS. And there are three civilian commissioners besides.

Mr. SHERMAN. Well, I am glad if they are to be added. Now, in respect to any other objections that may be taken, it is only a question of the cost of the park, but it will be improving year by year.

If the objections I have made—and I have not examined the report very carefully—have been met by the appointment of three civilian commissioners, I have no opposition whatever to make to the passage of the bill; indeed, I think the sooner it is done the better, and then I hope the Government of the United States next winter instead of asking the city of Washington to pay a portion of this money especially for maintaining the park in the order which will be required, will repeal that clause and assume the whole burden of this matter and withdraw it from the District of Columbia.

Another thing that is unjust is to assess any of the supposed benefits of this park upon the adjoining proprietors. We had some such experience as that in Ohio at one time, and the law was repealed there, and there were none but the absolute and direct benefits or injuries to be considered. The idea of assessing a portion of this cost upon the truck farms and little patches that may be in the neighborhood or near by, or that, in the opinion of speculators and land-grabbers, may be supposed to be benefited by this park, it seems to me is not exactly the fair thing.

I know a little off from the line of this park there are many persons owning lands in small quantities used for garden patches and who raise truck for market; and to put upon them a special tax in the nature of an improvement or benefit to them is, it seems to me, unjust. It is true they may, on selling their homesteads and little places, get an increased price for the land they have to sell, but most of them do not want to sell, and they should not be burdened with special taxes of this kind; but I suppose this has gone too far to have it changed now, and therefore I hope the report will be adopted and the bill passed.

The VICE-PRESIDENT. The question is on concurring in the report of the conference committee.

The report was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed the following bill and joint resolution:

A bill (S. 4322) to authorize the construction of a bridge across the Kentucky River and its tributaries by the Louisville, Covington and Cincinnati Railway Company, the Carrollton and Louisville Railroad Company, and the Westport, Carrollton and Covington Railway Company, and their assigns; and

Joint resolution (S. R. 95) to surrender certain bonds, drafts, and other papers in the Department of State to Robert S. Hargous, administrator of Louis S. Hargous, deceased.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 608) making an appropriation for the construction of new buildings and the enlargement of the military post at Plattsburgh, N. Y.;

A bill (H. R. 11154) to repeal part of section 6 of an act entitled "An act to divide the State of Iowa into two judicial districts," approved July 20, 1882;

A bill (H. R. 11928) defining certain duties of the Sergeant-at-Arms of the House of Representatives, and for other purposes; and
Joint resolution (H. Res. 228) authorizing the Secretary of the Navy to purchase nickel ore or nickel matte for use in the manufacture of nickel-steel armor, and for other naval purposes.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President:

A bill (S. 179) granting a pension to Ellen Courtney;
A bill (S. 577) granting a pension to Laura J. Ives;
A bill (S. 626) granting a pension to Mary E. Williams;
A bill (S. 754) granting a pension to James Malin;
A bill (S. 768) granting a pension to Frederick H. Macke;
A bill (S. 1059) granting an increase of pension to William W. Bliss;
A bill (S. 1154) to increase the pension of James Johnston;
A bill (S. 1237) granting a pension to Mary E. Crimmins, widow of Patrick Crimmins;
A bill (S. 1456) correcting the military history of David A. Parkhurst;
A bill (S. 1463) granting a pension to Betsey A. Mower;
A bill (S. 1480) granting a pension to Wick Morgan;
A bill (S. 1552) granting a pension to Louise Selden;
A bill (S. 1640) granting a pension to Helen A. Beebe;
A bill (S. 1696) for the relief of Asher W. Foster;
A bill (S. 1705) granting a pension to Ira Manley;
A bill (S. 1706) granting a pension to John Morgan;
A bill (S. 1712) granting a pension to Cynthia A. Gudgeon;
A bill (S. 2086) to correct the military record of John Hunsman, late of Company G, Eleventh Regiment Kentucky Cavalry;
A bill (S. 2216) granting a pension to Mrs. Anna S. Taylor;
A bill (S. 2238) granting a pension to Elizabeth Rumsey, army nurse;
A bill (S. 2560) to increase the pension of Nelson Monroe;
A bill (S. 2597) to remove the charge of desertion from the military record of William S. Bennett;
A bill (S. 2750) to remove the charge of desertion against Almon R. Tobey;
A bill (S. 3183) granting a pension to Amanda M. Smyth;
A bill (S. 3191) for the relief of Albert Shell;
A bill (S. 3332) granting an increase of pension to Margaret E. Pierce;
A bill (S. 3342) granting a pension to Andrew Hopper;
A bill (S. 3414) granting a pension to James Melvin;
A bill (S. 3448) granting a pension to Clara H. McIntire;
A bill (S. 3538) granting a pension to John W. Bennett;
A bill (S. 3560) granting an honorable discharge to Almon Wetmore;
A bill (S. 3750) for the relief of William Elmendorf;
A bill (S. 3816) granting a pension to Margaret D. Marchand;
A bill (S. 3948) granting a pension to Morris Leavy;
A bill (S. 3988) granting a pension to Joseph B. Sellers;
A bill (S. 4209) granting a pension to Henry W. Haley;
A bill (S. 4243) granting an increase of pension to Gurden L. Wight;
A bill (S. 4254) granting a pension to Eliza Wallace;
A bill (H. R. 571) extending the limit of cost for public building at Hoboken, N. J., to meet the requirements of site;
A bill (H. R. 3857) to provide for the disposal of a portion of the United States military reservation at Baton Rouge, La.;
A bill (H. R. 7983) amending an act of Congress passed July 12, 1882, relative to fire limit of site of post-office and Federal building, Brooklyn, N. Y.; and
Joint resolution (S. R. 128) to correct an error in the act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1891, and for other purposes," approved August 30, 1890.

JAMESTOWN AND NORTHERN RAILWAY COMPANY.

The VICE-PRESIDENT. The Calendar is now in order for one hour.

The bill (S. 1816) granting a right of way to the Jamestown and Northern Railway Company through the Devil's Lake Indian reservation, in the State of North Dakota, was announced as first in order, and the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MISSOURI RIVER BRIDGE AT QUINDARO, KANS.

The bill (S. 4405) to authorize the construction of a bridge across the Missouri River at the most accessible point within 1 mile above or below the town of Quindaro, in the county of Wyandotte and State of Kansas, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NICKEL ORE OR MATTE FOR THE NAVY.

Mr. HALE. I call up the House joint resolution No. 228, which has been received from the House of Representatives.

The VICE-PRESIDENT. The Chair lays before the Senate a joint resolution from the House of Representatives, which will be twice read by its title.

The joint resolution (H. Res. 228) authorizing the Secretary of the Navy to purchase nickel ore or nickel matte for use in the manufacture of nickel steel armor, and for other naval purposes was read twice by its title, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. COCKRELL. I should like to hear some explanation of that. Is it a House joint resolution?

Mr. HALE. It is a House joint resolution identical with the resolution which was reported from the Committee on Naval Affairs. I hope it will be passed, and the Senate joint resolution can then be indefinitely postponed.

Mr. CAMERON. I offer an amendment to the House joint resolution, which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The CHIEF CLERK. It is proposed to add to section 1 the following proviso:

Provided, That such nickel ore or nickel matte so purchased shall be equitably apportioned among the contractors for nickel-steel armor-plate for the vessels herein described.

The VICE-PRESIDENT. The question is on the amendment.

Mr. GORMAN. Let it be again read.

The VICE-PRESIDENT. The amendment will be again read.

The Chief Clerk read the amendment of Mr. CAMERON.

Mr. INGALLS. Now let the joint resolution be read as it will stand if the amendment be agreed to.

The VICE-PRESIDENT. The joint resolution will be read as it will stand if amended.

The Chief Clerk read as follows:

Resolved, etc., That the Secretary of the Navy is hereby authorized to purchase, at his discretion, nickel ore or nickel matte to be used in the manufacture of nickel-steel armor-plate for vessels already authorized or to be authorized to be constructed, and of armor-piercing projectiles, and for other naval purposes: Provided, That nickel ore or nickel matte so purchased shall be equitably apportioned among the contractors for nickel-steel armor-plate for the vessels herein described.

Sec. 2. That the sum of \$1,000,000, or so much thereof as may be necessary, is hereby appropriated for this purpose out of any money in the Treasury not otherwise appropriated.

Mr. DOLPH. Of course I am not versed in the affairs of the Naval Committee, and I wish to ask a question for my own information. Where were the nickel plates which were experimented with at Annapolis manufactured?

Mr. HALE. In France. The nickel plates were manufactured at the establishment of Schneider & Co.

Mr. DOLPH. I understand they are forged steel plates with an alloy of 5 per cent. of nickel.

Mr. HALE. The plate which stood the test so remarkably as to attract the attention of the world is distinguished from other plates in the manner indicated by the suggestion of the Senator from Oregon by an alloy of about 5 per cent. of nickel, which gives greater tensile strength to the plate.

Mr. DOLPH. I should like to inquire whether there are any other satisfactory tests of nickel plate for armor besides the one at Annapolis.

Mr. HALE. The matter has been before the naval world and the scientific world for some time, and experiments have been made leading in this direction and to this result. There have never, I may say, been so complete and convincing tests of the relative merits of armor plate as were made at Annapolis in the two trials which have taken place within the last fortnight. That is the most complete and the most demonstrative test which has been made.

Mr. DOLPH. Is the Senator able to state in a word what have been the results of other tests which have been made elsewhere—I mean in other countries?

Mr. HALE. The tests that have been made at Muggiano, Aboukoff, Russia, at Havre, in France, and Woolwich, England, had little to do with the nickel plate. They were confined to steel and compound plates. There has been no test, as I have said, in a complete way until that under the Secretary of the Navy at Annapolis. The result of that test was somewhat remarkable. Of course it is not intended that testing shall cease, and whatever is done will be done under the direction of the Secretary of the Navy; but that test demonstrated, if it demonstrated anything, and that in a remarkable way, that the nickel plate is far superior to either the solid steel plate of the French establishment or the compound plate of the Cammel Company which is the plate used upon English ships.

I have photographs which show the result of the test, and it demonstrates the use and benefit of the alloy of nickel to so great an extent that the Secretary of the Navy deems it essential that he shall while the opportunity offers, and it ought to be done at once, secure contracts for nickel enough to be used by the establishment that is using

this plate-forging as an alloy, which he can furnish them as we furnish other substances to contractors, charging them accordingly; and it will enter into and be a component part of the plate that is to be made.

The Committee on Naval Affairs had a full hearing upon this subject, in which the matter of tests was submitted to them, and the Secretary and the officers in charge of the Ordnance Bureau appeared, and the committee unanimously authorized the report. The House of Representatives have passed a joint resolution the same as ours, and it is very desirable that it should pass to-day.

Mr. DOLPH. So that recommendation of the Secretary of the Navy and the action of the committee and of the House are based mainly upon the one experiment at Annapolis.

Mr. HALE. It is based largely upon that, although the whole matter had been in the mind of the Secretary and naval officers.

Mr. DOLPH. I inquire whether the contracts have already been made for the armor for the vessels referred to.

Mr. HALE. They have been made.

Mr. DOLPH. So that it will require a modification of them.

Mr. HALE. That is a matter which has been already gone over by the Secretary with the contractors, and they are entirely willing that this introduction of amalgamation of nickel as part of the plates should be incorporated in their work, which has not proceeded in any respect so far that it can not be done conveniently.

Mr. DOLPH. It will require, however, a modification of their contracts, and I suppose the nickel will be more expensive than forged steel.

Mr. HALE. Nickel is, of course, per pound more expensive than forged steel, but the Government supplies that and gets the benefits in the new contracts.

Mr. DOLPH. The benefit which the Government does receive in the way of reduction of price is a matter of agreement?

Mr. HALE. It is a matter of agreement between the Secretary and the contractors.

Mr. DOLPH. Is that covered by an existing law? I suppose the original proposition provided for forged steel armor, did it not?

Mr. HALE. No, there is no specification.

Mr. DOLPH. I wish to ask another question. Can the Senator state what facilities there are in the United States for furnishing nickel or where it can probably be obtained?

Mr. HALE. The great supply of nickel in the world is found in two places—in Canada at Sudbury and in New Caledonia. The Canadian mine is owned by our citizens. There is no question of duty upon it, and these gentlemen are entirely willing to furnish the Government with this nickel unless I may say—and that is one reason for action now—the owners of the mines can sell the entire product to foreign powers who are desirous of getting it.

Mr. DOLPH. Does not the tariff bill which recently passed both Houses put nickel on the free-list?

Mr. HALE. Yes, all sent in crude, which is what is called nickel pig.

Mr. DOLPH. I would ask whether there are any mines that are being worked in the United States.

Mr. HALE. There is some product in Pennsylvania, but that has been to all intents and purposes exhausted.

Mr. DOLPH. I observe that the Representative from Oregon in the other House stated what I know to be a fact, that there are mines in Oregon.

Mr. HALE. It does not in any way interfere. I wish to say before sitting down that I do not think there is any necessity for the amendment presented by the Senator from Pennsylvania [Mr. CAMERON]. The Secretary of the Navy in dealing with this subject of course, more than any one, has the responsibility of carrying out the great work of rebuilding the Navy, which has been adopted by Congress, upon his shoulders, and he will, in arranging with the contractors, do what is the best and wisest thing under the circumstances. I doubt the advisability of directing him in terms to apportion this among the contractors. That is what, of course, he will endeavor to do. I hope the Senator will not insist on his amendment.

Mr. CAMERON. I shall insist upon a vote on my amendment at any rate. I think it is only proper that every person competing for this work should have equal advantages. Some of the contracts have already been made and others will be made, and no advantages should be given to persons who are supposed to be more favored than others. All should be treated alike, and no advantage should be given to one that the ordinary manufacturer would not have. It seems to me that the amendment will do no harm at all.

Mr. HALE. I do not think it has been claimed that the present Secretary has any favorites, as a rule.

Mr. CAMERON. I know that, but some other Secretary might have.

Mr. GORMAN. I have no objection in the world to the amendment of the Senator from Pennsylvania. I think that if the joint resolution is to pass it is very wise that the provision should be made. Therefore, if the Senator desires to take a vote upon that amendment, I have no objection to doing that and going on with what I have to say about this resolution afterwards.

Mr. HAWLEY. Mr. President—

The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from Connecticut?

Mr. HAWLEY. I thought the Senator had concluded.

Mr. GORMAN. Not yet.

Mr. HALE. I am very desirous of hearing the Senator from Maryland and I can not hear a word.

The VICE-PRESIDENT. The Senate will be in order.

Mr. GORMAN. This joint resolution, coming in as it does at this late hour of the session, appropriating an additional million dollars for the naval establishment, it seems to me is very extraordinary. The terms of the resolution itself are more extraordinary, in my judgment, than the proposition to increase the already very large appropriations which we have made for the naval establishment by \$1,000,000. For the past six years, during the entire last Administration and during the present Administration up to this time, the management of the Navy Department has given great satisfaction to the people of this country. The system inaugurated by Secretary Whitney, and practically followed out and probably increased in its efficiency by the present able Secretary of the Navy, has been a matter that all Americans have rejoiced at; but it was upon a theory well defined and adopted after long discussion, that, in the procurement of all the material necessary for the construction of vessels, contracts should be made on bids open to every manufacturer in the country. The result has been that three or four great establishments have been created and have given an impetus in the manufacture of steel and structural iron that was unknown in the history of the world until the past six years. In the construction of the vessels alone the Government shops have been in competition with the private establishments. But now comes the proposition under this resolution for the Government to enter into partnership in procuring the material that is used in the construction of the steel armor plates.

Up to this time the ingenious and enterprising men engaged in the private manufacture of steel have been the ones to procure from abroad by purchase and otherwise the right to use the various processes in the manufacture of steel, and all that the Government has done or attempted to do or can wisely, in my judgment, attempt to do, is to fix the standard of the steel that it desires to have placed in these vessels. Hence the contracts were made and a close inspection of all the steel furnished that has been made from the very incipency until the completion of the plates and their attachment to the ribs of the vessels.

These contracts have been made, and the steel is on hand to some extent, when suddenly, with only a single test, although it has been looked at heretofore and elsewhere in other countries—I mean with a single test of these plates at Annapolis—a very remarkable test, it is true, in support of the efficiency of this particular steel plate treated with nickel, a proposition comes in here at the very last hours of the session to increase the appropriation for the naval establishment from two and a half million dollars to three and a half million dollars, or another million dollars, and the Government is to enter into partnership with the manufacturers. How will the Secretary of the Navy be able to hold the contractors responsible for the efficiency of plates to be made hereafter, when he furnishes a part of the material? If it comes, then, to the point of want of endurance or bad construction, the contractor will say he is not responsible, and you will have more suits on hand than you have ever had before, at least since the spring of 1885, when this new arrangement with the Navy Department began. It must be unsatisfactory.

Besides that, I think it is the height of unwisdom to place in the hands of any one officer of this Government a million dollars with which he may go out and buy nickel ore and nickel matte and to buy this material upon the basis of a single trial at Annapolis.

We on this side can not probably stay this matter, but it does seem to me the height of unwisdom, and while I have great respect for the present honorable Secretary of the Navy and believe that he intends to perform his duty as faithfully as did his predecessor, this is, in my judgment, going back to the old system which was carried on for twenty years in this Department, and which resulted in the unanimous opinion of both parties in this country that it ought to be changed. It was changed, and, as I said, to the great gratification of the American people. Now we go back practically to the old line, for this is the first step, of buying the material and going into joint partnership with the contractors who are to make these plates hereafter. It can have in the end but one result, inefficient work for the Government, and extravagance, if not corruption, will follow in its wake.

I do not believe, with all the improvements that are being made in metals, that it is wise, upon a single experiment at Annapolis, for the Government to enter at once into the market as a purchaser for all the nickel in Canada. I am aware that the Senator from Oregon [Mr. DOLPH] has stated that there is a deposit in his State. There are several deposits in this country. It may be that with this large sum of money you can open up additional mines and find this metal here, but as the case stands now it is practically an appropriation to buy the product of a single mine in Canada.

If the Government desires that metal, if this one single test is a demonstration that it is the best which can be used in the construction of these vessels, the Secretary of the Navy has ample authority,

under the appropriation of two and a half million dollars, to change his contracts with the Bethlehem works and change his contracts with Mr. Cramp and the other contractors who are constructing these vessels, and provide that those plates shall contain a certain per cent. of nickel, and care should be taken that it is inspected in every process from the ore to the plate, as is done now and was done so satisfactorily under the last administration, and has been up to this time under the present administration.

There is no necessity for this appropriation and this departure, except to give the administration, as I believe without proper consideration, in the last hours of the session \$1,000,000 more of the people's money to be expended.

Mr. HARRIS. Mr. President, by the rule under which the Senate has been acting by consent for the last two weeks, after the routine morning business one hour has been devoted to the consideration of the Calendar under Rule VIII. This is not a Calendar proposition. This is a matter which came over from the other House this morning and was laid before the Senate at once. I think it ought to proceed, with the understanding that when concluded an additional fifty-three minutes shall be devoted to the consideration of the Calendar, for we only consumed some seven minutes in its consideration this morning, when this subject was interposed. I ask that that understanding may be had.

Mr. HALE. I think that is right.

The VICE-PRESIDENT. The Chair understands that the Calendar is to be under consideration for one hour, and with that understanding the Chair is of opinion that the time devoted to this joint resolution should not come out of the hour devoted to the Calendar.

Mr. BLAIR. If the debate upon this proposition is to continue, I shall reserve the right to interpose an objection at any time.

Mr. HAWLEY. I shall be glad to say a few words about the joint resolution. I am very sorry to hear the remarks of the Senator from Maryland [Mr. GORMAN], and I wish it were proper to state all that we know about this matter.

One of his points is that we have hitherto provided carefully that all material for our new ships and armor should be of American production. Now, the tendency of experiments for some time, and especially the culminating experiment at Annapolis the other day, shows that if we are to make the best kind of plate, it should have 1 or 2 or 3 per cent. or a fraction more of nickel in it. That is settled.

Mr. COCKRELL. Five per cent.

Mr. HAWLEY. The Secretary said three and a fraction, but it is known that it should be from one to five or anywhere along there. I think that is clearly decided. That is the judgment of armor and gun makers. Now, we have not enough nickel in this country. We cannot supply it.

Mr. GORMAN. The Senator from Connecticut entirely misunderstood me.

Mr. HAWLEY. I thought the Senator made the point that this was not of American production.

Mr. GORMAN. Not at all. I understand perfectly that the party in power and a very large number of us here believe that is the right policy, and we have so required in the manufacture of guns.

Mr. HAWLEY. It is the right policy.

Mr. GORMAN. I made no reference to the fact that this article was of foreign production. The point I make is that the Secretary of the Navy, if this resolution shall pass, will reverse the policy of the Government by entering on the purchase of the material itself out of which these plates are to be made, and that it will lead to extravagance and, in my judgment, in the end to corruption. We ought to rely upon the manufacturers to procure their own material, as they do in the case of the steel plates.

Now, Mr. President, if the Senator from Connecticut will permit me a word further, I wish to say that I purposely avoided any reference to the improvement feature of this thing, noting at the same time mentally that we have reached a point in the construction of our Navy where that policy can be carried out absolutely and rigidly as the majority party heretofore have intended that it should be.

Mr. HAWLEY. I have heard these matters discussed elsewhere and among scientific men and among experts for a good while, and I know the precise situation of the case. I know that, to be valuable to the United States, quick action is necessary. I believe the transaction to be not only wise, but in an eminent degree honorable to the energy and patriotism of the Secretary of the Navy, and I think that a prolonged discussion of the matter will entangle it and be an injury to the country.

Mr. HALE. I agree entirely with what the Senator from Connecticut has said. This is a matter about which every well-wisher of the country can have but one sentiment. There may be differences of opinion, like those developed by the Senator from Maryland, as to the manner of doing the thing, but that everybody desires that in this great work, which we have embarked in, of building up the Navy, the proper material should be put into the new ships, is an admitted fact.

Now, this emergency comes late in the session because the situation has been developed of late. The matter was brought before the Naval Committee in a very full meeting, and on seeing the facts every mem-

ber of the committee on both sides of the Chamber, representing both parties, said to the Secretary, "We give you our God-speed, and this subject can hardly give rise to debate or to bringing out facts and circumstances and situations that would embarrass the Secretary, but we will take hold and help carry it through the Senate as a wise and patriotic measure."

Rather than take up more time in answering in terms the Senator from Maryland, I very much desire that we should get a vote upon this joint resolution. There is no departure from the policy of the Government, excepting as the emergency requires a variation of it, and the Secretary can be trusted in this matter as we trust him in relation to the making of contracts. I hope we may dispose of the joint resolution promptly.

Mr. PLUMB. Mr. President, I am perfectly willing to trust the Secretary of the Navy within certain reasonable limits in regard to all matters that come within his proper jurisdiction. I regard him as a singularly able, efficient, and patriotic person, animated by but one desire, and that is what is the best possible for the service of which he is the head. But it seems to me we are going off rather suddenly upon this matter. A single experiment of plate manufactured, no one knows how and practically no one knows where, has seemed to demonstrate that a combination of iron and nickel makes a metal or substance which is better for armor plates than iron alone or steel alone.

But, Mr. President, the plate which was tried at Annapolis was made in France. I am not informed that the plate was subjected in the process of manufacture to the inspection of Government officials, so that we do not know exactly what the compound was. It may be entirely different from what we suppose it to be. It is a single experiment anyhow. Of course I defer to those who have heard more than I have, but I have never heard of there having been more than one experiment made to test the comparative merits of steel alone and steel and nickel combined.

The very first thing that will result from this is the legal consequences if this project shall be carried out, that the Government, and not the contractors, will become responsible for the quality of the plate furnished. No matter what amount of nickel may be furnished or what combination may be used, if the plates which result from this combination are what they ought not to be, the Government, and not the contractors, will be responsible, and therefore it introduces a new element into all these contracts, and, instead of holding the contractor responsible for the character, the strength, the durability, or the efficiency of the plate which he is to make and with which we armor our ships, the Government assumes that responsibility alone.

The Secretary of the Navy of course would not put plates on a ship that were not good. I agree to that. But how do we know that it will not be discovered to-morrow that some other combination is even better than this, and if we are to do this thing, if we are to depart from the contract and from precedent, if we are to ignore all the safeguards with which we have surrounded this question of the construction of ships, why not say—and that would be better—that, if the Secretary of the Navy in the progress of the construction of these ships shall discover any material better than that which is now being used according to the contract or which may be supplied under the terms of the contract, he may contract for the substitution of that metal with such addition to the price as in his judgment may be correct in order to make up the additional cost to the contractor?

Mr. President, there have been experiments in other directions made, equally interesting, but perhaps not on so large a scale, but to some extent as satisfactory as the one of which we have had information as having recently occurred at Annapolis. The introduction of aluminum into the pores of the iron, whereby the pores are filled in the first place, results in making the metal more dense, whereby also the refractory substances are expelled, not only by reason of the introduction of aluminum, but by reason of the fact that the metal remains liquid for a longer period of time, whereby the gases and other substances, such as phosphorus, sulphur, and things of that sort in the metal, are allowed to escape. The sudden congealing of iron after melting always prevents this escape of the gases. The increased rigidity of iron and steel by the introduction of aluminum tends to produce in many cases this very result.

I do not say that for the purpose of putting aluminum against nickel, but I only say this is a good wide field, upon the borders of which alone we have touched, and I think it would be a great deal wiser (if we are to commit this discretion to the Secretary of the Navy to abolish these contracts and substitute something else) to say so and let it apply in the very widest possible way and confer on him ample discretion and give him ample funds to meet that discretion, and let him avail himself of the best the market affords, nickel, if it is nickel, to-day, and aluminum, if it is aluminum, to-morrow, or a combination of those two, and the steel besides, if that is found better.

In other words, I would put the Secretary in a position to avail himself of the present condition of things and of what may be developed from time to time; but on a single experiment to authorize him to purchase nickel—not that the contractors may purchase nickel, but that the Secretary shall purchase nickel to be furnished to the contractors whereby the discretion of the Government and the authority of the

Government and the risk of the Government are to be substituted for the risk and the discretion and the authority of the contractors as to the entire structure—if that is to be done, as it will be done if this resolution passes, we ought to say so directly, and, instead of saying it as to a single material, as the result of a single experiment not yet published, probably, in one-tenth of the papers of this country, we ought to say that, in view of these changing conditions, and they are such, and are so recognized everywhere, that we give to the Secretary authority to postpone contracts, to change contracts, and substitute new materials in whole or in part for the materials which contracts made under the law now require.

I object to this resolution because of these reasons, because it is a dangerous thing at the close of a session, when everybody is willing that almost anything shall be done that he is not absolutely certain is wrong, and we are all waiting for the words which shall dismiss us from a long and tedious service and enable us to get away, to bring in a measure of this kind which overturns the entire substance and effect of all the contracts and all the elaborate legislation we have provided heretofore in regard to the construction of ships. There is nothing left of it; but simply on the result of two or three shots fired at Annapolis we propose to undo everything that has been done after years of patient labor to provide the ways and means whereby the Navy may be built up without the resulting scandal which has come heretofore from unlimited executive discretion.

But I do not object now to the discretion if the Secretary of the Navy should say as to one ship or two ships as to any work which is to be done during the time that is to elapse before Congress again reassembles, within a two or three months' limit until the first day of the next session, he ought to have discretion to experiment with one of these ships or two of them. I am willing to say so; but I would make the change of the contracts merely *pro tanto*. I would make it apply to a limited extent. I never would commit myself to a policy, following so narrow an experiment, that nickel should be purchased by the Government to be supplied to the contractors, as being the one thing needful to make improved armor for our ships and warrant us in getting away from all those safeguards which by the language of the statute we have placed around the exercise of executive functions in the construction of these ships. I would not commit myself at this moment to a project of that sort.

Mr. COCKRELL. I should like to ask the Senator from Kansas a question in regard to the utilization of aluminum. I understand that it is now claimed by some company in Chicago that they can manufacture it at about 15 cents a pound. I heard that they claimed that some time ago.

Mr. PLUMB. It is claimed that aluminum can be manufactured a great deal cheaper than that. There is no metal that is so widely diffused, so plentiful in the world as aluminum. All clays practically contain aluminum, some more and some less, but the difference in the value of the clay which contains the aluminum is not so much in the amount of aluminum, but in the absence or presence of refractory substances in combination. But it has been stated to me on what appeared to be very good authority that aluminum can be made for 3 or 4 cents a pound. I am told that the added cost where it has been used in combination with iron is very slight indeed, and it is made by a cheap, inexpensive, and comparatively familiar process. But I do not dwell upon that except merely by way of suggestion to show that there are other fields of investigation besides nickel, and other combinations besides that of steel and nickel, which may be expected to yield some fruitful results in the near future.

Mr. COCKRELL. I want to ask right in that line if the Senator has any information or data in regard to experiments made upon steel or iron with the addition of aluminum or any compound of them. I think some years ago the Senator showed me a piece of iron that was supposed to have in some measure absorbed some aluminum, and I would like to know the effect of it and what the experiments have shown.

Mr. PLUMB. Some months ago I was told by a gentleman connected with an establishment in New Jersey that in a factory there this process of combination was being used to the effect of not only making a very much better material, but by reason of the greater liquidity of the material 30 tons could be made a day in place of 20 by the same machinery. But I do not speak of this as evidencing that there is that definiteness of result which might be looked for or required in a case of this kind; but that that is to be one of the results of the combination between aluminum and steel and iron for the purpose of making a better metal than either I have no doubt is to come in the near future, if it has not already come.

All I want is that the Secretary shall have that wide authority to enable him to say, "I have done the best I could with relation to modern discoveries and not been limited to one single thing which may prove a failure."

Mr. GRAY. The joint resolution which has been reported unanimously from the Committee on Naval Affairs after a meeting which was a full meeting, which every member of that committee attended, and after a conference between that committee and the Secretary of the Navy, is one that seems to me ought not to receive much opposition in

its passage from the Senate after they understand the leading reasons which provoked the offering of the resolution.

The circumstances in which we find ourselves in regard to naval architecture are somewhat exceptional. It has been the good fortune of the United States in its happy-go-lucky policy that during the last quarter of a century we have not entered into the competition that has been going on all over the world between artillery and armor. Those costly experiments have been made by other nations, by England, by France, by Germany, and we are now the heirs, so to speak, of the results which have been arrived at from the experiments that have been made at the expense of other peoples. We have arrived at the point when the American people seem to think we can no longer pursue that policy and must make for ourselves a navy. At the very outset, while these experiments are still being made, by what seems to be a very happy discovery, if the succeeding experiments shall vindicate the results of the first test that was made at Annapolis the other day, it appears that the combination of steel and iron armor is inferior to the amalgam of steel and nickel, which for the first time, by experiment made by the ordnance officers of the United States Navy at Annapolis, demonstrated its superiority to the other.

The Secretary of the Navy, the Chief of Ordnance, and the gentlemen who are conducting these experiments seem to have been wide awake and alert and properly enterprising in this matter, and they have called the attention of Congress to the necessity of pursuing these experiments, and if they shall vindicate the results of the first experiment, that we shall be able to reap the beneficial results to the naval architecture of this country which alone can make those experiments useful.

Now, it so happens that the supply of nickel in the world is not deposited universally over the surface of the earth. The sources of nickel supply, I believe, are largely found upon this continent. There is a nickel mine in Canada and there are one or two deposits in the United States, but not in sufficient quantity in the United States to justify the belief that if these experiments are to produce the same results that the first have produced we can hope to receive from the mines of the United States within our borders a sufficient supply to amalgamate the steel needed for the armor of all the vessels which are now contracted for; and therefore the Secretary of the Navy, very wisely, I think, has asked for authority of law to purchase nickel in his discretion in such wise that he may be prepared to reap the results that may be demonstrated to be proper and useful by the continuance of these experiments which have been commenced at Annapolis, at the proving-grounds, that he may be able to provide for the Ordnance Department a supply of nickel, and prevent its being engrossed and forestalled by competing nations that are quite as wide awake as we are, and who were probably informed as soon as the public in the United States of the result of the recent experiments at Annapolis of the 8-inch gun on this plate of amalgam of steel and nickel.

We should not be in such a situation and should not so cripple the executive hand of the Government that we can not in a businesslike way and on proper grounds be able to demonstrate and, as I said before, reap the result of our own experiments and of the skill and enterprise of our own ordnance officers. As I understand, the million dollars that is put at the disposal of the Secretary of the Navy for this purpose will, in his opinion, enable him to control a sufficient amount of this nickel to supply the contractors, if it shall be demonstrated by a further line of experiments that that is the proper amalgam to make and is going to be the toughest and most capable of resistance of any of these armor-plates that have yet been constructed.

Of course these experiments are expected to be carried on to a larger extent. The Secretary will then be, if this joint resolution passes, in a condition to avail himself of the results of our own genius and the experience and enterprise and skill and invention of our own people.

I therefore think, Mr. President, it is eminently wise that under these exceptional circumstances, not reversing the policy, not making it a precedent in these matters, but solely upon the exceptional reasons I have given and others that might be given and are understood by the Executive, we should pass this resolution and give him the authority and the means to make fruitful the course of experiments that he has already entered upon.

Now, I for one am perfectly willing to trust this discretion to the Secretary of the Navy. I do not think that there is any branch of this Government that is more wisely and more honestly administered than the Navy Department. I think, of all the eminent Secretaries who have preceded the present incumbent of that office, none has better assured the people of the United States of the honesty and integrity and intelligence with which the Department is administered than the present head of that Department, and I for one am perfectly willing to trust him on these exceptional grounds with this discretion in regard to this purchase of nickel.

It may be possible, but is not probable, that further experiments may lead to a different result than that which is now indicated. That is possible; but the nickel which is purchased by the Secretary, I am sure, will be purchased in such fashion and on such terms that there will be no loss to the United States, and the price at which it is bought and the manner in which it is bought will insure the United States against loss, or a very small loss in that direction. I think we can

very well take the risk, under the circumstances I have detailed, of a small loss in that respect in order not to be bound after these experiments are made, and absolutely disabled from going ahead and reaping the fruits of our discoveries.

I therefore hope that this joint resolution will pass and pass promptly.

Mr. HALE. Mr. President, I will not object to the amendment of the Senator from Pennsylvania.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Pennsylvania [Mr. CAMERON].

The amendment was agreed to.

Mr. PLUMB. I suggest that the joint resolution lie over until it can be looked into a little to see if it can not be further amended in such a way as to make it safer perhaps in any event. There can not be any question about it between to-day and to-morrow. Certainly for myself, having contributed somewhat to build up the most elaborate structure of legislation that clothed the Secretary of the Navy with more power than statute ever provided before, I feel a little bit against turning that over in the way which the Senator from Maine proposes. Of course, he has had much more to do with it than I have had, but it is a dead give-away so far as the executive control is concerned. I hope he will consent to have the joint resolution go over until to-morrow so that it can be examined and we can see if there can not be something added to it which will make it a little bit more palatable and at the same time a little more certain that we shall not wake up at the next session, or at some other, feeling that we had put our foot into it.

Mr. INGALLS. May I inquire what bill we are acting upon?

The VICE-PRESIDENT. The title of the joint resolution will be reported.

The SECRETARY. House joint resolution 228, authorizing the Secretary of the Navy to purchase nickel ore or nickel matte.

Mr. INGALLS. When did that come to the Senate?

The VICE-PRESIDENT. It came to the Senate this morning.

Mr. INGALLS. It can only be read once to-day, except by unanimous consent.

Mr. HALE. The joint resolution was laid before the Senate and read twice, and taken up.

Mr. INGALLS. Any Senator has a right to object at any stage to another reading of the bill, and if it is thought that there is not sufficient information it is in the power of any Senator, under the rule, to call for the regular order in connection with the parliamentary stage of the joint resolution. I have no desire to interfere, so far as I am personally concerned, but at the same time it is proper that those who are opposed to this joint resolution should understand that it is within their power to prevent the third reading to-day, that no consent can be given, because unanimous consent would apply only to the reading that was called for.

Mr. HALE. There is no doubt about the point made by the Senator from Kansas [Mr. INGALLS], and it is a point that can be made on at least a large proportion of the legislation that we enact, so far as the Senate does enact it. We have at the end of a session to depend largely upon unanimous consent for the doing of business, and it is one of the strong points in the Senate that under unanimous consent and under a liberal system of rules, with no coercion, the Senate does the business of the country.

Now, if any Senator feels that this matter is one that ought to go over for a day and is inclined to invoke the rule, of course it must go over. It is a very important measure. It is a measure in which there are no real dangers. It is a measure the failure of the passage of which may be attended with grave difficulties and dangers, and I have been very desirous that we should get it through to-day. To-morrow we may be in the face of the tariff bill or other bills that are upon the Order of Business, and I should be very glad if we could come to a conclusion and vote upon this proposition. I have no fear that when the Senate votes upon it the joint resolution will not be adopted by the Senate. I am only seeking to avoid delay, and I should be very glad to have a vote now.

The VICE-PRESIDENT. If there be no further amendment as in Committee of the Whole, the joint resolution will be reported to the Senate.

Mr. GORMAN. Mr. President, I trust the Senator from Maine will permit the joint resolution to lie over until to-morrow. I do not see that that can in any way interfere with its passage. There will be no trouble, so far as I am concerned, about getting unanimous consent to take it up to-morrow. This, however, is an extraordinary proceeding, and it appears from what the Senator from Maine himself has said, and the Senator from Delaware, that there may be state reasons, which it is thought proper not to communicate to members of the Senate outside of the secrets of the committee-room, why this joint resolution should be rushed through at this time, and they may be perfectly good.

The Senator from Maine went so far as to say that all patriotic men would be in favor of the passage of the resolution instantly. I confess there are quite a number of us who believe we are patriotic and are very anxious to give the Navy all that is necessary. I have great confidence in the present Secretary, as I stated when on the floor before, and hesitation here on this question is no reflection upon him, on his integrity or his ability; but this is the first time in my service that I

have known in a matter of construction of vessels of war, the purchase of material of any sort or description for the use of the Government, that the fullest and the freest information has not been given inside of the committee and outside of the committee. Now, I know nothing personally about the circumstances surrounding this case except what I have gathered.

Mr. HALE. Mr. President—

Mr. GORMAN. One moment, if the Senator will permit me, and I want him to have the benefit of what I say, so that he may throw light upon the subject. We know nothing except that which comes through the public press and through the sources from which we gather information about the doings and affairs of the Government, that five or six Americans have purchased a mine in Canada, which they claim is one of the greatest mines in the world producing nickel. It has not been profitable on their hands up to this time, and with the knowledge that the Governments which are trying the experiment of the manufacture of plates composed of steel and of nickel from this mine, the process of which is not known except to the manufacturers, patented, as I am informed—of course, I do not claim that this information is accurate—now comes the single test, having great success, as the officers of the Navy Department claim, at Annapolis, and on that single test a joint resolution is to be rushed through at the closing hours of the session, authorizing an officer of this Government to contract for the whole output of that mine.

Now, it may be all right; it may be that the British Government or the French Government are bidders in secret and that our officers have an advantage by outbidding them, and it requires a million dollars to take it; but I submit that Senators who have voted as I have for liberal appropriations of twenty-three or twenty-four million dollars for the Navy this year are entitled at least in private to some more information than we get, and it will not do for my friend from Maine, whom I respect, as he knows, to intimate in his statement that every patriotic man who wants to build up the Navy will be in favor of this measure. It is possible I may be in favor of it. I have never hesitated, as the Senator knows perfectly well, to vote for most liberal appropriations for the Navy, to put in the hands of the present Secretary any power that was necessary and proper to enable him to go on with the Navy, for I have great confidence in him and respect for him, but I do insist that we are entitled to a little more light on this subject, and I hope the Senator will permit the joint resolution to go over.

Mr. HALE. I rose, Mr. President, for the purpose of acceding to the suggestion that the joint resolution go over until to-morrow, all the more willingly because I know that in this matter Senators have the same patriotic purpose in view, whatever may have been their suggestions in the course of this debate or wherever they may sit in this Chamber. I have had too long experience with the Senator from Maryland on this floor and upon important committees to in any way question either his patriotism or his singular good sense and wisdom as a legislator; and I am all the more willing that the measure should go over to be called up to-morrow morning at the end of the routine morning business, because I would be glad for the Senator to inform himself more fully, not that I mean to intimate that he lacks information upon the matter or upon any phase of the subject that will tend to give more light. The more this is looked into the more it will be seen that it is important now to pass it. The difference between to-day and to-morrow is not vital.

I would say in answer to one suggestion of the Senator that the company which owns the Canadian mine has made a plate to be tested; that the Canadian mine people knew nothing whatever about it but the test made by the great establishments abroad; that each of the tests was furnished by the establishments abroad as their best specimens for resisting projectiles; and it is not a matter of any account to the owners of the Canadian mine whether the Government takes this or not. They can sell it abroad. They can sell every pound that they can produce there and at larger prices than it can be bought by us. But we are confronted with an emergency that has come about now in the last days of the session. We have got to act upon it and meet it or reject it. I have no fear that the Senate, if this measure goes over until to-morrow, will reject the proposition, and therefore I consent that it may go over without any formal point of order being made, and I shall call it up, with the leave of the Senate, to-morrow morning directly after the routine morning business.

The VICE-PRESIDENT. The joint resolution will go over. The renewed consideration of the Calendar will now commence, with fifty-three minutes remaining of the hour allotted to it.

FLORIDA LANDS.

The next business on the Calendar was the resolution submitted by Mr. CALL in relation to the claims of Florida under the swamp-land grant.

Mr. SAWYER. That resolution is adversely reported. Let it go over under Rule IX.

The VICE-PRESIDENT. It goes over under Rule IX.

The next business on the Calendar was the resolution submitted by Mr. CALL relating to the improper and unlawful selections under alleged railroad and swamp and overflowed land grants in Florida.

Mr. PASCO. The same course may be pursued as to that resolution.

The VICE-PRESIDENT. The resolution will go over under Rule IX.

LIST OF PRIVATE CLAIMS.

Mr. SPOONER. I ask leave to submit a resolution at this time.

The VICE-PRESIDENT. The resolution will be received and read, if there be no objection.

The resolution was read, as follows:

Resolved, That the Secretary of the Senate cause to be prepared an alphabetical list of all private claims which have been before the Senate, with the action of the Senate thereon, since the 4th day of March, 1881; and that he communicate the same to the Senate when completed.

Mr. SPOONER. I suppose the resolution must go to the Committee on Contingent Expenses. It will involve, if adopted, ultimately an expenditure of money.

Mr. PADDOCK. I should like to inquire of the Senator if the resolution is reported from a committee.

Mr. SPOONER. I was just stating that I supposed it must be referred to the Committee on Contingent Expenses. It is not reported, but introduced.

Mr. PADDOCK. The inquiry I made was whether it was reported.

Mr. SPOONER. It is just introduced.

Mr. PADDOCK. Then I suggest that it be referred to the proper committee having charge of such subjects.

Mr. SPOONER. I say it must be sent to the Contingent Expenses Committee.

Mr. COCKRELL. Mr. President, we can not hear a word of what is going on over there.

Mr. SPOONER. I introduced the resolution with the statement that if it is adopted by the Senate it will involve ultimately the expenditure of some money, and for that reason I suppose it must be referred to the Committee on Contingent Expenses. I ask that it be so referred.

Mr. PADDOCK. The inquiry I put to the Senator from Wisconsin was if it had been reported from any standing committee having jurisdiction of the particular subject covered by the resolution itself. I think it would be better to have it go to the Committee on Claims and get a report from that committee, and then refer it to the Committee on Contingent Expenses. I think that method has obtained generally in respect to such resolutions. For one, as a member of the Committee on Contingent Expenses, I think it would be very desirable, and that committee would be gratified to have resolutions of this kind go to the committee having jurisdiction of the subject to first consider them.

Mr. SPOONER. Similar work has been done by the Secretary of the Senate before under resolutions identical with this one, and it need not go to a standing committee to be reported on its merits. It must be quite apparent to any Senator, I think, that it is important to the Committee on Claims in the discharge of its duties, and also to Senators, that we may be able to turn to an index of all the private claims.

Mr. PADDOCK. Undoubtedly it would be important.

Mr. SPOONER. The Committee on Claims will have no further meetings at this session of Congress. I think, under the rule, the resolution ought to go to the Committee on Contingent Expenses. If the committee desire to report it back with the recommendation that it be referred to a standing committee, that course can be pursued.

Mr. COCKRELL. Let the resolution be again read.

The Chief Clerk read the resolution.

Mr. SPOONER. There is a list made up by the Secretary of the Senate to the 4th day of March, 1881.

Mr. COCKRELL. There is a list from the foundation of the Government.

Mr. SPOONER. Yes, up to that date.

Mr. COCKRELL. The list is contained in different documents, and some of them are accurate and some of them are not. The first reports were published in quarto form, and they are quite large. Then there were two volumes of reports published some years ago bringing the list of claims presented to the Senate and House of Representatives down to 1881; and as this additional list can not be completed in time for our use at the coming session it ought to include claims to the 4th of March, 1891, and the order ought to so specify.

Mr. SPOONER. It would be a continuation of the record in alphabetical form, a transcript of a portion of which heretofore printed I hold in my hand. It is an alphabetical list of private claims. It shows in separate columns the name of the claimant, the nature or object of the claim, the Congress and session in which it was introduced and considered, how brought before the Senate, whether by petition, memorial, or bill, the committee to which referred, the nature of the report, the number of the report, the number of the bill, how disposed of in the Senate, whether laid upon the table, or recommended, or passed, with a statement under the head of "remarks." These claims are coming in all the time. There are now over a thousand before the Committee on Claims, and it seems to me quite obvious that this record should be completed. I think the suggestion which the Senator from Missouri makes, as all suggestions which he does make on such subjects, is a valuable one and ought to be adopted.

Mr. COCKRELL. There is no doubt that we ought to have the index, and it ought to go up to the 4th of March next.

Mr. SPOONER. I agree with the Senator.

Mr. COCKRELL. Then it will be from the 4th of March, 1881, to the 4th of March, 1891.

Mr. SPOONER. Let the resolution go to the Committee on Contingent Expenses and they can report upon it.

Mr. PADDOCK. As the precedents run in that direction, I withdraw my objection to a reference to the Committee on Contingent Expenses.

Mr. COCKRELL. First let the resolution be amended so as to take the index up to the 4th of March, 1891.

The VICE-PRESIDENT. The resolution will be so amended, and referred to the Committee to Audit and Control the Contingent Expenses of the Senate. The next bill on the Calendar will be stated.

OSAGE RIVER BRIDGE IN MISSOURI.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2396) authorizing the construction of a bridge across the Osage River at some accessible point in the county of Benton, in the State of Missouri.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was, in section 1, line 3, after the word "Springfield," to strike out "Railway" and insert "Railroad;" so as to read: That the Chicago, Hannibal and Springfield Railroad Company, etc.

The amendment was agreed to.

The next amendment was, in section 2, line 3, after the word "river," to strike out "beyond what is necessary to carry into effect the rights and privileges hereby granted;" in line 9, after the word "location," to strike out "the topography of" and insert "the high and low water lines upon;" in line 11, after the word "river," to strike out "the shore lines at high and low water" and insert "the direction and strength of the currents at all stages of the water, with the soundings accurately showing the bed of the stream and;" in line 14, after the word "bridges," to insert "such map to be sufficiently in detail to enable the Secretary of War to judge of the proper location of said bridge;" and in line 20, after the word "be," to insert "commenced or;" so as to make the section read:

That said bridge shall be constructed and built without interference with the security and convenience of navigation of said river; and in order to secure that object the said company or corporation shall submit to the Secretary of War, for his examination and approval, a design and drawings of the bridge and a map of the location, giving, for the space of one-half mile above and one-half mile below the proposed location, the high and low water lines upon the banks of the river, the direction and strength of the currents at all stages of the water, with the soundings accurately showing the bed of the stream, and the location of any other bridge or bridges, such map to be sufficiently in detail to enable the Secretary of War to judge of the proper location of said bridge, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and until the said plan and location of the bridge are approved by the Secretary of War the bridge shall not be commenced or built.

The amendment was agreed to.

The next amendment was, in section 3, after line 18, to insert:

All changes in said bridge required at any time by the Secretary of War shall be made at the expense of the persons or corporation owning or controlling said bridge.

The amendment was agreed to.

The next amendment was, in section 5, line 2, after the word "way," to insert "across said bridge and its approaches;" and in line 3, after the word "lines," to strike out "across said bridge;" so as to make the section read:

SEC. 5. That the United States shall have the right of way across said bridge and its approaches for such postal and telegraph lines as the Government may construct or control.

The amendment was agreed to.

The next amendment was to add a new section, as follows:

SEC. 7. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from the date hereof.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LEAVES OF ABSENCE FOR POSTAL EMPLOYÉS.

Mr. EVARTS. I ask that House bill 10086, which was passed over, reserving its place, the other day, may now be taken up. It grants the opportunity of a vacation of fifteen days to the post-office clerks.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10086) granting leaves of absence to clerks and employes in first and second class post-offices.

The VICE-PRESIDENT. The bill was read when formerly considered, and the amendment of the Committee on Post-Offices and Post-Roads was agreed to.

Mr. REAGAN. When this bill was called up on a former occasion I objected to its further consideration, and it was allowed to pass over without prejudice. While I do not abate my opposition to the policy

of the bill and while I shall vote against it, I do not feel that I should be quite justified in standing in the way of the Senate taking a vote upon it.

The VICE-PRESIDENT. If there be no further amendment as in Committee of the Whole, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill granting leaves of absence to clerks and employes in first and second class post-offices, and to employes of the Post-Office Department employed in the mail-bag repair shops connected with said Department."

PORTRAIT OF JOHN PAUL JONES.

Mr. VOORHEES. I beg the indulgence of the Senate to turn back to Order of Business 824, being the bill (S. 3397) for the purchase of George B. Matthews's portrait of John Paul Jones, reported from the Committee on the Library some time ago and passed over in my absence. It is the only portrait of him that we shall own if we purchase it, and it is an admirable work of art.

The Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to appropriate \$750 for the purchase from George B. Matthews of his portrait painting of John Paul Jones.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ALTAMAHA RIVER BRIDGE.

The bill (H. R. 10289) to authorize the construction of a bridge across the Altamaha River was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with amendments, which were, in section 3, line 4, after the word "same," to insert "and its approaches;" in line 6, after the word "freight," to strike out "over said bridge;" in line 8, before the word "shall," to strike out "they" and insert "it;" and in line 11, after the word "telegraph," to insert "and telephone;" so as to make the section read:

That any bridge built under this act and subject to its limitations shall be a lawful structure and shall be recognized and known as a post-route, upon which also no higher charge shall be made for the transmission over the same and its approaches of the mails, the troops, and munitions of war of the United States, or passengers or freight than the rate per mile paid for the transportation over the railroads or public highways leading to said bridge, and it shall enjoy the rights and privileges of other post-roads of the United States; and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies, and the United States shall have the right of way across said bridge and its approaches for said postal-telegraph purposes.

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. FRYE. I move that the Senate request a conference with the House of Representatives on the bill and amendments.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. SAWYER, Mr. DOLPH, and Mr. VEST were appointed.

ADMINISTRATRIX OF GEORGE W. LAWRENCE.

The bill (S. 3270) for the relief of the administratrix of the estate of George W. Lawrence was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment to strike out all after the enacting clause and insert:

That jurisdiction is hereby conferred upon the Court of Claims to inquire into and determine how much the hull of the United States double-enders Agawam and Pontoosuc cost the contractor, George W. Lawrence, over and above the contract price and allowances for extra work, and to enter judgment in favor of Thankful Lawrence, administratrix of said George W. Lawrence: *Provided*, That the judgment shall not exceed the sum allowed by the board convened in pursuance of a resolution of the Senate of the United States, dated March 9, 1865, of which Thomas O. Selfridge was the president, the said allowance being set forth in Senate Executive Document No. 18, Thirty-ninth Congress, first session.

Sec. 2. That at the hearing or on the trial of any suit so commenced either party, plaintiff or defendant, shall have the right to use before the court any testimony or documents which may be relevant to and competent upon the issues joined between the parties, and that the proceedings, trial, decision, and judgment of the said court shall be had in the same manner as in all other cases before the said Court of Claims, and have the same effect; and that either party, plaintiff or defendant, may appeal from the decision or judgment of the said Court of Claims to the Supreme Court of the United States in the same manner as now provided for in other cases.

Mr. COCKRELL. Let a part of the report in that case be read, the report without the exhibits. It is short.

The VICE-PRESIDENT. The report will be read.

The Chief Clerk read the following report, submitted by Mr. HIGGINS September 19, 1890:

The Committee on Claims, to whom was referred the bill (S. 3270) for the relief of the administratrix of George W. Lawrence, have had the same under consideration and respectfully report:

George W. Lawrence, the decedent, on the 9th of September, 1862, entered into two agreements with the United States, through the Navy Department, for the construction of the hulls of two wooden double-enders, called the Agawam and Pontoosuc. The contract provided that the vessels should be launched within

one hundred and twenty-six days, and then be delivered to the Government, who through other contractors would supply the machinery. Fifty days were allowed for the attachment of the machinery; whereupon George W. Lawrence was to do that work which followed and was necessary to secure the machinery in place.

The fifty days for the attachment of the machinery expired in the case of the Agawam on June 10, 1863, and in the case of the Pontoosuc on July 9, 1863. Through no fault of Mr. Lawrence or his agents, the machinery was not attached to the Agawam until December 9, 1863, and on the Pontoosuc until May 16, 1864. During this prolonged time the advance in the price of labor and material accompanied the rise in gold prices, and this delay imposed upon the contractor, through no fault of his, the loss resulting from purchase of material and the employment of labor at the enhanced prices. The contract price for each vessel was \$75,000.

Mr. Lawrence completed his vessels and delivered them to the Government. That they were satisfactory is manifest from the fact that his bills were entertained and considered by the Selfridge board, composed of Commodore Thomas O. Selfridge, Chief Engineer Alexander Henderson (succeeded July 8 by Montgomery Fletcher), and Paymaster C. H. Eldredge, which convened at the Brooklyn navy-yard June 5, 1865, and continued in session for more than six months. This board convened under the following resolution of the Senate:

IN THE SENATE OF THE UNITED STATES, March 9, 1865.

Resolved, That the Secretary of the Navy be requested to organize a board of not less than three competent persons, whose duty it shall be to inquire into and determine how much the vessels of war and steam-machinery contracted for by the Department in the years 1862 and 1863 cost the contractors over and above the contract price and the allowance for extra work, and report the same to the Senate at its next session, none but those who have given satisfaction to the Department to be considered.

They reported (*inter alia*) (see Senate Ex. Doc. No. 18, Thirty-ninth Congress, first session, pages 61, 62) as follows:

"The board, after a critical examination of the bills of cost presented by the several contractors for vessels and steam machinery contracted for in the years 1862 and 1863, who have appeared and made sworn statements, has determined the excess of cost in the several cases over and above the contract price and allowance for extra work to be as follows:

"Double-ender Agawam, wooden hull, G. W. Lawrence \$8,610.77
"Double-ender Pontoosuc, wooden hull, G. W. Lawrence 8,610.77

"All of which is respectfully submitted.

"THOMAS O. SELFIDGE,

"Commodore and President of Board.

"MONTGOMERY FLETCHER,

"Chief Engineer.

"CHAS. H. ELDREDGE,

"Paymaster.

"Hon. GIDEON WELLES,

"Secretary of the Navy, Washington, D. C."

On January 31, 1866, this report was referred to the Committee on Naval Affairs of the Senate, who thereupon, March 22, 1866, reported a bill for the payment of the awards thus made. This bill (S. 220, first session, Thirty-ninth Congress), passed the Senate. In said report (No. 45, first session, Thirty-ninth Congress) the committee says:

"From June till December last, the board organized by the Secretary of the Navy under the Senate resolution, composed of eminent officers of the Navy, was engaged in hearing evidence and investigating the claims of these parties. That investigation seems to have been fairly, carefully, and thoroughly made. It was by officers of the Department, and the award, which the committee believe to be substantially right, should be adopted as the basis of relief to the parties, and therefore the committee report the accompanying bill."

Your committee recognize the merits of the claim, but recommend to the Senate the accompanying substitute, which gives to the claimant the opportunity to go before the Court of Claims and prove how much the vessels cost the decedent, but limits the right of recovery to the sum found by the Selfridge board.

Hereto is appended a copy of the contract for the Agawam. The contract for the Pontoosuc, entered into the same day, is identical with it in all its provisions.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Committee on Claims.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RHODA BUCK.

The bill (H. R. 8713) granting a pension to Rhoda Buck was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Rhoda Buck, widow of Haddon A. Buck, late of Company K, Seventh Michigan Cavalry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARK F. CARTER.

The bill (S. 573) granting an increase of pension to Mark F. Carter was considered as in Committee of the Whole. It proposes to pay to Mark F. Carter, late a member of Company E, Second Regiment of Iowa Volunteer Infantry, a pension of \$50 a month, in lieu of that which he now receives.

Mr. COCKRELL. Let the report be read in the case.

The VICE-PRESIDENT. The report will be read.

The Chief Clerk read the following report, submitted by Mr. SAWYER September 20, 1890:

The Committee on Pensions, to whom was referred the bill (S. 573) granting an increase of pension to Mark F. Carter, have examined the same and report:

In the immediately preceding Congress a bill was introduced granting an increase to this claimant from \$30 to \$50 a month. He was at that time receiving the highest rate for his disability, as it then existed, provided for by the general law, and the report of the committee was adverse.

It appears from evidence now in the hands of the committee, that his disability is progressive, and that since the above report was made he has become almost helpless. The claimant was a member of Company E, Second Iowa Regiment.

John K. Price, of Fairfield, Iowa, testifies that he has known him twenty years; that his health during that time has been very poor; and that he has never been able to do a day's work; that at the present time he is unable to perform any manual labor; that it is not safe to leave him alone, and that it is necessary for some one to be with him all the time. Affiant knows these facts because he has been his near and intimate neighbor.

Dr. W. Fordyce, of Glasgow, Iowa, testifies that he has known him the last fifteen years, and has been his physician six years; that he is to all intents and purposes helpless; that he is dependent upon his pension.

A. G. Smith, postmaster at Lockridge, Iowa, testifies that he has known claimant for years; that he is very weak and practically helpless; that he needs an attendant always at night and in cold weather; that he is always confined to the house.

Dr. R. B. Stephenson, of Lockridge, testifies that claimant is suffering from heart trouble and nervous prostration; that he is subject to smothering and sinking spells at night, on account of which he needs an attendant. John Heron, of the same place, gives similar testimony; from all of which it is apparent that his disability is progressive; that he is unable to engage in any kind of employment; that he is nearly helpless, and that he will never be any better.

It is not doubted that his condition is due to his service.

Senator WILSON, of Iowa, knows the witnesses and assures the Senator who makes this report that they are reliable men.

The bill is reported favorably, with a recommendation that it do pass.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FORT RANDALL MILITARY RESERVATION.

Mr. PLUMB. I ask the Chair to lay before the Senate the action of the House of Representatives on House bill 789.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 789) opening to settlement a portion of the Fort Randall military reservation in South Dakota and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. PLUMB. I move that the Senate insist on its amendment and accede to the request of the House of Representatives for a conference.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. PLUMB, Mr. PADDOCK, and Mr. PASCO were appointed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed the following bills and joint resolution:

A bill (S. 181) for the relief of the estate of Thomas Niles, deceased;

A bill (S. 1195) for the relief of Snowden & Mason;

A bill (S. 3798) to authorize the Mobile, Jackson, and Kansas City Railroad Company to cross certain rivers in the State of Mississippi;

A bill (S. 3852) to authorize the Eagle Pass Water Supply Company and the Compañía Proveedora de Aguas de Ciudad Porfirio Diaz to connect their water-works communications across the Rio Grande River at Eagle Pass, Tex.;

A bill (S. 3996) to repeal sections 3952 and 3953 of the Revised Statutes of the United States; and

A joint resolution (S. R. 123) to enable the commission having charge of the preparation and erection of the statue, with suitable emblematic devices thereon, on one of the public reservations in the city of Washington, to the memory of General Lafayette and his compatriots, to execute the purpose expressed in the concurrent resolution adopted by the two Houses of Congress on the 28th day of August, 1890.

The message also announced that the House had agreed to the concurrent resolution of the Senate to print the reports of the United States commissioners to the Centennial International Exhibition at Melbourne, 1888.

The message further announced that the House had passed the following bill and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 11627) to authorize the issuance of subpoenas for the attendance of witnesses before town-site trustees in Oklahoma; and

Joint resolution (H. Res. 214) extending the "Act fixing the rate of interest to be charged on arrearages of general and special taxes now due the District of Columbia if paid within a time specified," to October 31, 1890.

ALIEN-LABOR CONTRACTS.

Mr. BLAIR. I desire to call up House bill 9632, which was passed over without prejudice yesterday, being the alien-labor-contract bill.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9632) to amend "An act to prohibit the importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia."

Mr. PLUMB. I move an amendment, in section 5, line 14, page 5. After the word "actors" I move to insert the words "musical or other."

The VICE-PRESIDENT. The amendment will be reported.

The SECRETARY. After the word "actors," in line 14, section 5, page 5, insert the words "musical or other;" so as to read:

Nor shall the provisions of this bill apply to professional actors, musical or other artists, lecturers, regularly ordained ministers of the gospel, etc.

Mr. COCKRELL. What will be the effect of that amendment?

Mr. PLUMB. It simply enumerates musical persons as artists, that

is, provided they have attained that skill in their profession which entitles them to recognition as such elsewhere or in this country.

Mr. BLAIR. Artists in art or music?

Mr. PLUMB. Artists in the art of music.

Mr. BLAIR. Experts?

Mr. PLUMB. Experts; "musical or other artists."

Mr. DAWES. All artists are in the bill now?

Mr. PLUMB. Certainly, all artists are in the bill; and artists are permitted to come in now without reference to this bill; but the question has arisen under the present law under which the Treasury Department seems to hold that a musician can not be an artist.

Mr. DAWES. It is to cover that idea?

Mr. PLUMB. It is to cover that idea.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Kansas. The amendment will be agreed to, if there be no objection. If there be no further amendment offered, the bill will be reported to the Senate.

Mr. CARLISLE. I did not know that the amendment proposed by the Senator from Kansas had been disposed of.

Mr. COCKRELL. It was not submitted to the Senate.

The VICE-PRESIDENT. The Chair announced that the amendment would be regarded as agreed to if there were no objection.

Mr. CARLISLE. I was waiting to offer an amendment myself.

Mr. BLAIR. I would rather the Senate would act upon that amendment. I do not know just how broad its scope might be.

Mr. HARRIS. Let the amendment be read again.

The VICE-PRESIDENT. The amendment will be again read.

The Chief Clerk read the amendment of Mr. PLUMB.

Mr. PLUMB. There would certainly not be any reason for including actors in the ordinary sense of the term and excluding musical artists.

Mr. CARLISLE. The amendment is still pending, I understand. I rose to offer another amendment, and will do so when this one is disposed of.

Mr. BLAIR. I do not suppose that includes the very highest order of musical artists.

The VICE-PRESIDENT. The amendment will be considered as agreed to, if there be no objection.

Mr. BLAIR. But I wanted the Senate to act upon it.

Mr. CULLOM. I rose for the purpose of asking the Senator who reports this bill, the chairman of the Committee on Education and Labor, to explain the difference between the bill under consideration and the two or three several acts heretofore passed with reference to this subject; for instance, "the act prohibiting the importation and immigration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia," approved February 26, 1885, and another one of the same general tenor, approved February 23, 1887; and there was still another one, I believe, after that. All of them seem to have for their purpose the prohibition of certain classes of people from coming to this country. What I desire is that the Senator should give a general explanation of the scope and purpose of this bill and the difference between it and the acts that have heretofore been passed.

Mr. BLAIR. Mr. President—

Mr. CARLISLE. Will the Senator from New Hampshire before he proceeds allow me to propose an amendment?

Mr. BLAIR. The pending amendment has not been disposed of.

Mr. CARLISLE. It has been agreed to, I understand.

Mr. HARRIS. It was announced as agreed to.

Mr. COCKRELL. While it has been so announced from the Chair, it has been the understanding of the Senate that the amendment was not agreed to and the Senator from New Hampshire has been upon the floor saying it was not agreed to.

The VICE-PRESIDENT. The Chair will put the question formally upon agreeing to the amendment. The question is upon agreeing to the amendment proposed by the Senator from Kansas.

The amendment was agreed to.

Mr. CARLISLE. I move to amend, in line 15, section 5, page 5, by inserting after the word "ordained" the words "or constituted" and by striking out the words "the gospel" and inserting the word "religion." The bill as it now stands reads "regularly ordained ministers of the gospel," and if passed in that shape would confine it alone to ministers of the christian religion and exclude Jewish rabbis and others.

Mr. COCKRELL. Why?

Mr. CARLISLE. Because they do not come in as ministers of the gospel.

The VICE-PRESIDENT. The amendment moved by the Senator from Kentucky will be reported.

The CHIEF CLERK. In section 5, line 15, after the word "ordained," insert "or constituted" and strike out the words "the gospel" and insert the word "religion;" so as to read:

Lecturers, regularly ordained or constituted ministers of religion, learned professors, etc.

Mr. COCKRELL. I should like to ask the Senator from Kentucky whether this amendment would exclude the ministers of the Chinese

religion, those who conduct joss services, or the Mormons, or the ministers of anything else called religion. It seems to me that the amendment of the Senator from Kentucky is entirely too broad; that a Chinese minister conducting the services in their temple, worshipping at the shrine of their joss, could come in under this provision, and also a Brahman, or a Mormon—and a great many Mormons are coming in now—and Mussulmans, or anything of the kind. I think the amendment is entirely too broad.

Mr. BLAIR. I expect that would be the effect of the amendment; but this is a free country, free in religion as in everything else.

Mr. CARLISLE. I suppose we do not propose to make a discrimination among the various religious beliefs. This simply permits them to come here. If they should be guilty of any action in violation of our law after they come, of course they would be punished as others. The Chinese are excluded now by law, not because they are ministers of religion, but simply because of their nativity and race.

Mr. PLATT. I do not think the Senator quite explains to the Senate (at least I do not quite catch it; there has been a good deal of confusion here) the difference between a minister of the gospel and a minister of religion. I wish he would do so.

Mr. CARLISLE. As I understand it, this provision would entirely exclude Jewish rabbis, because they are not ministers of the gospel, but they are ministers of religion. Of course there is a little difficulty in selecting the exact language which would include just what we want to include, but it occurred to me that that was the very best phrase we could use. The bill as it stands now would exclude ministers of every religion whatever except the Christian religion. It is confined alone to ministers of the gospel, thus making a distinction between different religious beliefs, which I do not think we ought to make.

Mr. PLATT. If I may be permitted, having asked one question, to say another word, I do not think any one would desire to exclude Jewish rabbis, but there may be some persons who would come in under what might be called religion that it would be quite well for this country not to have included.

Mr. BLAIR. This bill does not undertake to exclude or to interfere with religion or religious belief at all. It is designed to prevent the introduction of alien contract labor. It seems to me that the amendment which the Senator from Kentucky suggests can hardly be objected to.

Mr. PLATT. I have no objection to it.

Mr. BLAIR. There is the Jewish religion and the Mohammedan religion, and there are other religions, all of which we tolerate, and I do not see how we can well undertake to interfere with the right of religious belief by enacting legislation to exclude those who may teach those beliefs.

Mr. CULLOM. I did not hear distinctly the amendment offered by the Senator from Kentucky. I certainly think the persons he named ought not to be excepted from the bill as a class.

The VICE-PRESIDENT. The amendment will be again stated.

The Chief Clerk read Mr. CARLISLE'S amendment.

Mr. CULLOM. I suppose that while the amendment would admit the class referred to by the Senator from Kentucky, it might also admit persons coming here intending to preach the Mormon religion as well. I do not know whether that would be a class that it would be desirable to have admitted into this country more than we have them now. However, what I desire to inquire is, of the Senator who reports and has charge of this bill, whether it enlarges or modifies the scope of the present law.

Mr. BLAIR. I have examined this bill in connection with the existing acts. It seems to be rather a combination or condensation of what is to be found in the others into a single act. In some respects it does not seem to me to be any more stringent, if as much so, as the existing law.

Mr. CULLOM. I feared it was less stringent. That is the reason why I made the inquiry.

Mr. BLAIR. In some respects; but it has been sent here with the impression that it was considerably more stringent at the points where difficulty has been found in the enforcement of the idea of the existing law, which is to actually keep out alien contract labor. The third section is substantially the same as the existing law so far as the master of a vessel is concerned, but in addition to the liability of punishment placed upon the master under the law, as it now is, his vessel itself is made liable to seizure, to be held, and he is subjected to penalty to a greater extent than under the existing law. There are one or two provisions with reference to the liability of the master not found in existing law, to which some objection has been made. The law as it now is holds the master responsible who shall knowingly bring within the United States, etc., any such labor the introduction of which is prohibited by the act generally, and it punishes the man who knowingly brings such labor in here—

The VICE-PRESIDENT (at 2 o'clock and 33 minutes p. m.). The hour for the consideration of bills on the Calendar has expired.

Mr. FRYE. About twenty minutes of that hour was taken up with a conference report.

The VICE-PRESIDENT. That has been taken out.

Mr. BLAIR. I think if there can be unanimous consent to go on with this bill for a few moments we may complete its consideration.

Mr. CULLOM. I hope that will be allowed. Let us get the bill passed while we are upon it. There does not seem to be a disposition to discuss it.

The VICE-PRESIDENT. Is there objection to the further consideration of the bill?

Mr. RANSOM. I will not object to it now, but unless it is finished very soon I may be obliged to object to it.

The VICE-PRESIDENT. The Chair hears no objection, and the consideration of the bill will be continued. The question is on agreeing to the amendment submitted by the Senator from Kentucky [Mr. CARLISLE].

Mr. HISCOCK. While the Senator from New Hampshire is referring to section 3 of this bill, I desire to call his attention to the language in lines 1 and 2.

Mr. BLAIR. That is a matter which I had alluded to. The Senator's colleague has an amendment which he proposes to offer.

Mr. HISCOCK. Which is satisfactory?

Mr. BLAIR. It is satisfactory that he should move it.

Mr. HISCOCK. I was not aware that my colleague had prepared an amendment.

Mr. COCKRELL. Has the amendment of the Senator from New York been offered?

Mr. BLAIR. It has not been offered.

The VICE-PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Kentucky [Mr. CARLISLE].

The amendment was agreed to.

Mr. PLUMB. I move to add after the word "artists," in line 14 of section 5, the word "musicians;" so as to read:

Musical or other artists, musicians, lecturers, etc.

The VICE-PRESIDENT. The amendment will be stated.

The CHIEF CLERK. In section 5, line 14, after the word "artists," insert the word "musicians;" so as to read:

Musical or other artists, musicians, lecturers, regularly ordained or constituted ministers of religion, etc.

Mr. PLUMB. Mr. President—

The VICE-PRESIDENT. The amendment will be considered as agreed to if there be no objection.

Mr. PLUMB. Very well; if there is no objection to it.

Mr. BLAIR. I object to that amendment.

The VICE-PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Kansas.

Mr. PLUMB. I wish to say in regard to the amendment that it seems to me this proviso is designed to exclude persons who are not engaged in manual labor from the terms of the exclusion contained in the preceding portion of the section. There are excepted professional actors, and I take it that that is done in order that there may be no interruption of the pleasures which grow out of performances of a theatrical and other character, and which are not bounded by the boundary lines of nations or anything of that sort, but which represent a calling that is common to all the world, and that all the world desire to enjoy and have the pleasure of seeing and hearing the people who bring new forms and styles of acting, etc., from foreign shores. If that is true, there is every reason in the world why artists should also be included in this exception; and that has been done; and it has seemed to me that for just the same reason musicians should be included.

Mr. HAWLEY. Will the Senator allow me to say that already we have put in professional singers? That might be held to exclude musicians.

Mr. PLUMB. I was just about to say in regard to that, and I have before me the law, that some years ago a law was passed in which I moved to insert this word, I think, but the Treasury Department seemed to stick in the bark and there was a good deal of trouble about it, and I was appealed to to know the view which I had in mind in making the motion to amend. We are in this same domain again. It does not touch upon the domain of manual labor. It is not competitive in the ordinary sense of the term. Our musicians go all over the world, and similarly we want other musicians to come here. It seems to me to be rather a narrow idea to exclude this class of people from coming into this country. The art of music is not only widely diffused, but it is the occasion of as much pleasure as any other art, not only to those who practice it, but to those who listen, and its profession and practice mark a high state of civilization.

Mr. FRYE. A large number of teachers of music from Germany are now in this country.

Mr. PLUMB. As the Senator from Maine prompts me, there are a large number of teachers here now from Germany.

Mr. BLAIR. They would come in under the amendment already made.

Mr. PLUMB. I hardly think so. The trouble is just this about it: As the bill already contains the word "artists" as a qualifying term, it might be held to exclude musicians. If the Senator from New Hampshire says that it does not exclude musicians, then there will be

no harm in putting them in by an actual term of inclusion, and if he does think it excludes them, I beg to differ with him, with all respect, in regard to the opinion expressed.

Mr. BLAIR. The idea of these exceptions is to allow those into the country whose skilled labor in art as well as in other occupations may be a source of instruction to our own people. There is a large class of people in our country who get their living by their practice of music, pursuing it as an avocation. There are at least 20,000 who are in an organized musical union, a union of the common average laborers in music, you may say. They are called musicians; they call themselves musicians; and the term which the Senator would now insert in the bill would bring the common, average, every-day musician of Europe with his low prices and his low rates of compensation directly in competition with the general American musician. It is the object of the bill to exclude those as well as others who come in competition with those who practice the art as an avocation of common life.

As the amendment which the Senator desired has been made, which does exclude all those who can give us special entertainments, who can give us instruction, who can afford a music to be imitated by our people at large, so that by the contact with them a general improvement in the art of music may come to our people at large, which amendment is entirely consonant with the spirit of the bill itself, I hope he will not press this other amendment, for it does bring the common street musician of Europe in direct competition with the musician of America, and it is a very large class.

Mr. COCKRELL. Would the Senator from New Hampshire deprive the American citizen of the hand-organ and monkey?

Mr. BLAIR. Oh, they get here as it is.

Mr. COCKRELL. I am astonished to learn that he would.

Mr. BLAIR. But the contracting to bring them here in masses to break down the common business of the American musician I object to; at least the bill objects to it; and if those who are engaged in the common work of life are to be protected against that sort of competition, if the miner is to be protected against it, with probably a hundred thousand people in this country who obtain their livelihood in this way, why ought they not to be protected against the contract musical labor of the Old World?

Mr. GRAY. I should like to ask the Senator whether there is to be any protection to the people who have to listen to this street music?

Mr. BLAIR. This bill will afford a great deal of it. It will prevent the wholesale competition from abroad, which is in the line of the Senator's thought. The bill ought not to be amended in such a way as to destroy it.

Mr. GRAY. The Senator from New Hampshire says he wants to protect the street music we already have. I should like to see the street music we already have improved, and I think the people who have to listen to it have a right not to be disbarred from the chance of having it improved.

Mr. BLAIR. I do not think the Senator could claim that it would be improved by bringing here by contract large masses more of the same style as the present, and an inferior style of it.

Mr. GIBSON. I suggest to the Senator while legislating on this subject that I chanced the other day to be in a city not far from Washington and when in conversation with the dean of the medical faculty of that city, an Italian was playing a hand-organ near by, and this professor told me there was a great trust in this country formed among the Italians and others who had hand-organs and monkeys.

Mr. FRYE. Is that on account of the tariff?

Mr. GIBSON. That is on account of the tariff which the Senator from New Hampshire proposes, and I think in order to break this trust in monkeys and hand-organs it would be well if we could apply a little free trade to this thing. I merely make the suggestion.

Mr. BLAIR. Mr. President, I am a high protectionist.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Kansas [Mr. PLUMB]. The amendment will be considered as agreed to, if there be no objection.

Mr. BLAIR. I do not keep up with the Chair. I should like that the question be put.

The VICE-PRESIDENT. Senators in favor of the amendment will say "ay;" the contrary "no." [Putting the question.] The ayes appear to have it. The ayes have it, and the amendment is agreed to.

Mr. BLAIR. I should like to have the yeas and nays on that amendment.

Mr. HAWLEY. Now, let me say a word.

Mr. BLAIR. No; I shall not ask for the yeas and nays, because I wish the bill to get through. We can dispose of that in conference.

Mr. HAWLEY. Just let me say a word. The class of musicians the Senator refers to, the ordinary band players, will come over here without any contract and with the right to come. Such a man knows, if he is a good player on any one of the many instruments, that he will stand a fair chance in some one of the innumerable establishments to get employment, and there is no trouble about his coming at all. But I doubt very much whether under this clause Ole Bull could come over here under a contract to give a series of concerts.

Mr. BLAIR. Oh, he is a musical artist.

Mr. HAWLEY. But that is the question you have been arguing exactly.

Mr. BLAIR. Not at all. That amendment is made.

Mr. HAWLEY. Very well, I have got the Senator's point. Why, then, does he put in "professional singers?"

Mr. WOLCOTT. I will inform the Senator that Ole Bull is dead.

Mr. HAWLEY. The Senator is practical. He is dead, of course, but his successor, if there ever will be one, could not come in under that clause. Why use the words "professional singers?"

Mr. BLAIR. I think they are included in the words "musical artists." "Musical" was not before "artists" until the amendment already adopted.

Mr. HAWLEY. There is no word "musical" here.

Mr. BLAIR. Yes, it has been inserted by an amendment. The term "professional singers" was in the bill from the beginning and in the law from the beginning, I think.

Mr. PLUMB. I now move in section 5, line 16, to add after the word "singers:"

Nor to any organization of musicians or orchestras.

As I understand, organizations of musicians and orchestras come over with actors, not only in connection with the performances of a high grade, but they come over themselves for the purpose of forming an organization, and this is in the same line. It seems to me that none of us want, I am sure the Senator from New Hampshire does not want, the question who shall be admitted under this section to be strained in the custom-house in such a way that some person may be excluded on technical grounds whom we want to have come in. I am in entire sympathy with his view as to keeping out the people who come in competition with those persons in this country who perform manual labor; that is to say, that we shall prevent them from coming here by contract; but the Senator will see that this is an entirely different field. Those persons who come here to perform manual labor to be contracted for by the year, by the week, by the day, go to particular places where the exercise of their functions displaces other labor already engaged in the same line.

This is what Mr. Conkling would call "the upper air and solar walk of things." This is up in the domain in which the competition is of a different kind entirely. The pay for it comes from persons who are able to indulge in the luxury of it, whether poor or rich, and certainly these persons are as much entitled to come in as ordained ministers of the gospel, for I have no doubt the Senator would testify of his own knowledge that the ministers of the gospel in this country are the poorest paid of all the people who labor, and if ministers of the gospel from England, Germany, France, and all the world are to come in to compete with our two or three or four hundred dollar per annum preachers, I think it is straining the matter a great deal, and it would not put any more strain on it to let in these orchestras.

Mr. BLAIR. I hope the Senator will not treat the subject with such undue levity.

Mr. PLUMB. I do not mean to treat it with levity. I am just as serious as the Senator, although I do not look so serious. [Laughter.]

Mr. BLAIR. Mr. President—

Mr. PLUMB. I beg the Senator's pardon; I have moved the amendment with perfect seriousness. It seems to me to make the fifth section complete and to cover the very point spoken of a moment ago of putting a construction upon similar callings by a custom-house officer who was not in sympathy with this divine art of music or with those who practice it, and probably whose soul did not beat at all to the sounds of sweet music.

Mr. BLAIR. The Senator should be cautious. He is evidently verging upon a point where he is inclining to ridicule. If there is anything in the amendment which has already been adopted, the phrase "musical and other artists" covers all that the Senator claims to desire to cover by this last amendment, and unless the entire musical population of the Old World is to be let in free to compete with the average musician in this country, the amendment it seems to me ought not to be adopted. Of course the bands of Europe can be hired to come here and play at the head of our political processions for 25 or 50 per cent. of what an American band-player must have in order to live and support his family; and to the musicians it is really a pretty serious matter. I do not know whether there is any music in the State of Kansas, but I imagine that there is, and that the Senator will find that the musicians of Kansas would be opposed to an amendment of the kind he here proposes.

But, Mr. President, I do not wish to take time with this bill, and would like to have a vote.

Mr. COCKRELL. Mr. President, if this, instead of being entitled "An act to amend an act to prohibit the importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia," were entitled "An act of fraudulent pretenses," it would be nearer the truth than anything else.

Mr. President, let us glance at this question and take a common-sense view of it. On the 4th day of July, 1864, Congress enacted a law entitled "An act to encourage immigration," which is found in

volume 13, Statutes at Large, pages 385, 386, and 387. That law appropriated \$25,000 to carry its provisions into effect, and authorized the appointment by the President of a commissioner of immigration with a twenty-five-hundred-dollar salary. Then section 2 provided—

That all contracts that shall be made by emigrants to the United States in foreign countries, in conformity to regulations that may be established by the said commissioner, whereby emigrants shall pledge the wages of their labor for a term not exceeding twelve months, to repay the expenses of their emigration, shall be held to be valid in law, and may be enforced in the courts of the United States, or of the several States and Territories; and such advances, if so stipulated in the contract, and the contract be recorded in the recorder's office in the county where the emigrant shall settle, shall operate as a lien upon any land thereafter acquired by the emigrant, whether under the homestead law when the title is consummated or on property otherwise acquired until liquidated by the emigrant.

And then in section 5 it was provided—

That no person shall be qualified to fill any office under this act who shall be directly or indirectly interested in any corporation having lands for sale to immigrants, or in the carrying or transportation of immigrants, either from foreign countries to the United States and its Territories, or to any part thereof, or who shall receive any fee or reward, or the promise thereof.

Mr. CULLOM. What is the Senator reading from?

Mr. COCKRELL. I am reading from the statute itself. I have read from the statute of July 4, 1864, to show what that law was for. I have read this part of section 5 to show that it was not for the purpose of inducing immigrants to come and settle along the lines of the railroads then being constructed to the Pacific Ocean and throughout the great West; it was not for the purpose of settling up the unfilled lands of the United States, but it was to put employes in manufacturing establishments.

That continued to be the law until February 25, 1885. On the 25th day of February, 1885, there was enacted a law entitled "An act to prohibit the importation and immigration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia." The law of July 4, 1864, was made for the encouragement of the importation under contracts made in foreign countries of the servile labor of the world, to bring those laborers here and put them in the manufacturing establishments, and it offered a bounty upon them practically.

Mr. PLATT. Will the Senator allow me one word?

Mr. COCKRELL. Certainly, I will.

Mr. PLATT. If the Senator will examine the reports that were made in favor of that law, he will find that it was put upon the ground that so many people had been drained from the farms of the United States there were not enough left to cultivate the farms, and it was asked that foreign labor might be introduced in order that farms might be cultivated. If he will examine the reports—

Mr. COCKRELL. I have read every report that was made on that question, and I say to the Senator that he is mistaken. It was not placed upon the ground of bringing farm laborers here, but it was placed upon the ground of bringing laborers here for the manufacturing establishments. There was a prohibitory clause inserted in the law that no corporation, no railroad company that had any lands for sale should have anything to do with the officers of this company, one of whom got \$2,500 a year, but the superintendent of a manufacturing company could be the president of this company and get \$2,500 a year. There was no mistake in the object of the law. Take the reports that were made at the time, take the discussion, and it was for the express purpose of furnishing labor, cheap labor, in the manufacturing establishments of this country, and those laborers were brought there and they have been kept there ever since. No effort was made to prevent the importation of that kind of contract labor until the passage of the law of February 26, 1885.

I shall ask that this law—it is not very long—may be inserted in my remarks, that we may have a history of this question continuously.

Mr. BLAIR. I have no objection.

Mr. DAWES. Has the Senator got the report here that he will read from to show what the purpose of the law was?

Mr. COCKRELL. It shows upon the face what the purpose of the law was. A blind man can see it.

Mr. DAWES. I thought the Senator said he had the reports.

Mr. COCKRELL. I have them, bound up, but not at my desk. I can get them and bring them here.

Mr. DAWES. My memory would contradict the statement of the Senator from Missouri. I was in the House of Representatives when that act was passed, and my memory does not serve me precisely as the Senator's. I did not know but that he had the report here.

Mr. COCKRELL. I have all the reports, every one of them.

Mr. DAWES. I understood that the purpose of that law was to fill up and supply the dearth of labor, both on the farms and on railroads, especially those transcontinental railroads that were being built at that time. That was my memory, and I did not know but that the Senator might have the report, so that he could show which was right.

Mr. COCKRELL. I expected the Senator would bring in that very point, and I am exceedingly gratified that he has done so. Was it for the purpose of furnishing labor on the railroads?

Mr. DAWES. It was, as I said, for the purpose of supplying the dearth of labor on the farms and on the railroads, and on all the great works that were being carried on at that time, in the midst of war.

Mr. COCKRELL. No, Mr. President.

Mr. DAWES. That is the way I remember it.

Mr. COCKRELL. Let us read section 5 of the law and see what the Senator says to that—

That no person—

Mr. BLAIR. If the Senator will allow me, we were proceeding by indulgence under the five-minute rule. I hoped we might finish the bill.

Mr. COCKRELL. As the Senator has been taking up the morning here till nearly 3 o'clock, I supposed I should be allowed to have a few minutes. Otherwise I object to the bill, and it may go over under Rule IX.

Mr. BLAIR. The Senator asked that the law might be printed as a part of his remarks; and to that there was no objection. I certainly do not object to his proceeding under the five-minute rule.

Mr. WOLCOTT. I should like to ask if we are proceeding under the five-minute rule, and, if so, under what order?

Mr. COCKRELL. Nobody has ever heard it until the Senator from New Hampshire gets a little impatient and then brings down the five-minute rule. He spoke half a dozen times this morning in violation of the rule.

Mr. BLAIR. The Senator is quite mistaken.

Mr. WOLCOTT. I understand that this is Calendar business.

The PRESIDING OFFICER (Mr. GIBSON in the chair). The Senate is proceeding under the five-minute rule, subject to any objection from a Senator.

Mr. BLAIR. The bill came up in the morning hour under the five-minute rule. The morning hour expired and I asked the indulgence of the Senator having charge of the land-court bill, which is the unfinished business, that we might complete this. I supposed that we should proceed under the same rule. Of course what I am anxious for is to get the bill acted upon. The Senator from Missouri is quite mistaken in saying that I have occupied much time.

Mr. COCKRELL. The Senator spoke twice, at least, regularly.

Mr. BLAIR. I have answered several questions.

Mr. COCKRELL. He has spoken half a dozen times, and if he pleases he can stop the bill. We shall discuss it under the general rule or not at all. He can let it go on if he pleases. I am indifferent to it. I wanted to show that this thing was a mere pretense. It is not as good as the existing law. It is a relaxation of the law, trampling under foot the present restrictive law, and doing it in the name of the laborers of this country. It is a fraud upon them of the basest character, and I want to show it.

Mr. CULLOM. I wish to say that I had that fear from a glance at the bill, and I was desirous that it should be explained before it was passed, lest we might liberalize the statute and let the people in whom we do not want here.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Kansas [Mr. PLUMB].

Mr. COCKRELL. I understood that the Senator from New Hampshire objected to my speaking longer than five minutes, and thereupon I objected to the further consideration of the bill.

Mr. BLAIR. I did not object to the Senator's going on, but as we are proceeding under the five-minute rule I supposed he would be bound by it. I am perfectly willing that the Senator should go on. I do not raise the point.

Mr. RANSOM. I suggest that the Senator from Missouri be allowed to finish, and then I shall call up the land-court bill.

Mr. COCKRELL. Mr. President, I have read sections of the law of 1864 to show the true object of them, and I will read section 5 again for the Senator from Massachusetts:

That no person shall be qualified to fill any office under this act who shall be directly or indirectly interested in any corporation having lands for sale to immigrants, or in the carrying or transportation of immigrants, either from foreign countries to the United States and its Territories, or to any part thereof.

Everybody connected with the settlement of land, the selling of land, the renting of land, the leasing of land, everybody connected with transportation along the lines necessarily of railroads was prohibited from having a hand in these matters as officers of the immigration company.

Mr. HAWLEY. Let me interrupt the Senator. Mr. President, I am decidedly of the belief that that was intended as a measure of protection to immigrants, so that the immigrant commissioners and their subordinates should not be the mere drummers of land agencies. I know that the immigration of those days was very largely stimulated by organizations in the Western States, by corporations formed out there with large bodies of land that they tried to fill up; I have never had any interest in it myself, but friends had a very large body of land in one of the Western States and they exerted themselves to fill that land with the best classes of people that they could from Norway and Sweden. They did not probably bring out one man for an Eastern manufacturer. The Senator is so bitter against the wicked and piratical class of people who manufacture anything in the United States that he sees mischief in everything.

Mr. COCKRELL. Mr. President, the Senator is entirely mistaken. He is the gentleman who has the prejudices, and not I. I am talking facts. Talk about bringing immigrants here to settle along the lines of

the railroads! What did this country behold after it granted \$64,000,000 in bonds and hundreds of millions of acres of the public domain to the Pacific railroads that they might build a great transcontinental line? We beheld the officers of the Pacific railroad companies importing from China 5,000 Chinese laborers, and placing them along the line of those railroads to build them—Chinese laborers, who worked by the day at cheaper wages than American laborers or any European laborers who might be imported into this country would work, and who gathered up all their earnings and sent them back to their fatherland, and even when they died their remains were to be carried back and buried in China.

Talk now about the settlement of our Western lands and the construction of our railroads in the West by this system! Not a word of it, sir. Instead of those great railroads taking immigrants from Europe and building the roads and paying them in lands and settling them along the line as farmers and laborers so as to build up and develop that great Western country, they took the Chinese and shipped them from point to point, and to-day thousands and millions of acres of land along the side of those railroads are unoccupied, with not a solitary settler there.

Mr. President, I want to bring a little Republican testimony to bear on this point. I want to quote what the distinguished Senator from California, who now sleeps "the sleep that knows no waking," said in this Senate Chamber on the 28th day of February, 1882, the late General Miller:

The average American manufacturer is interested generally in two things, namely, the highest protective tariff and the cheapest labor. * * * It is not difficult to perceive the origin of that political economy which suggests high protective tariff and at the same time advocates the admission of servile laborers into this country without limit. It means high prices for the products of manufacture and low prices for the labor which produces them; the aggrandizement of capital and the debasement of labor; greater wealth to the wealthy and greater poverty to the poor.

Now, I want to quote another distinguished Republican leader, who is now a member of the Finance Committee and whose clarion voice has been heard in this Senate Chamber in behalf of the protective system, pleading for it, as if it were possible for him to ignore his past and make the country believe that protection was the only thing that would benefit the laborers of the land. I now refer to the distinguished senior Senator from Nevada, Hon. JOHN P. JONES, and I quote from what he said in this Senate Chamber on the 9th day of March, 1882:

I have noticed, Mr. President, that most of those who are in favor of the largest liberty being extended to the Chinese immigrant to this country are also in favor of a tariff—a tariff which has been urged as necessary to protect the American laborer from the degradation of competition with the pauper labor of Europe, as it is usually termed.

Oh, how sonorously these words sounded during the recent discussion of the tariff bill! The Senator from Nevada [Mr. JONES] further said:

In reality, if we may judge of their motives by the action of the men who are now advocating a tariff, it was not the American laborer they wished to protect against the pauper labor of Europe; but it was the American capitalist, the lordly manufacturer, that they wished to protect against the free competition of the capitalist of Europe.

Does my distinguished friend from Connecticut hear this very grave language of his brother Republican Senator, JOHN P. JONES?

Mr. HAWLEY. I hear it, but I do not think it has anything to do with the business under consideration.

Mr. COCKRELL. That is the Senator's judgment.

Mr. HAWLEY. The Senator had his say on the tariff bill. If the Senator wants to open a regular war on the manufacturing interests, let us have the whole subject up, and appoint a day for it and go into it. I am ready for it, and I should like it; but we have a good deal of other business. We have discussed the tariff in the Senate.

Mr. COCKRELL. I am just as good a business Senator as the Senator from Connecticut, and do as much business in the Senate as the Senator from Connecticut does; but when the yoke begins to pull down on his neck he begins to squirm. Do not let him make that kind of appeal to me. We are discussing how these pauper laborers got into this country, who brought them here, and why the necessity of this legislation, and it is perfectly legitimate. I know it hurts—

Mr. HAWLEY. I wish to say, for the benefit of any stranger who may have come into the room, that I am not in the fashion of interrupting, and I do not care how much in a passion the Senator gets, and I do not care what he says anyhow.

Mr. COCKRELL. I have not said a word against the manufacturer, and yet the Senator is trying everlastingly, when any gentleman on this side speaks of a manufacturer, to turn around and snarl and say "Oh, you hate the manufacturers." Now, I am giving you a dose of Republicanism on manufacturers. You squirm, do you? I will read it again. Some other people have talked about manufacturers besides Democrats. JOHN P. JONES, the man you put forward as your champion here to defend the laborers of the country and protection, said:

In reality, if we may judge of their motives by the action of the men who are now advocating a tariff, it was not the American laborer they wished to protect against the pauper labor of Europe, but it was the American capitalist, the lordly manufacturer, that they wished to protect against the free competition of the capitalist of Europe. Our capitalist manufacturer wanted a larger interest

on his money than the capitalist of Europe was willing to accept, and he was given the benefit of a tariff.

Let us see how that tariff works. It works in this wise, that everything that the capitalist manufacturer has to sell he sells in a protected market, he sells in a market in which foreign capitalists can not compete with him.

How is it with what he has to buy? For the principal article he has to buy—to wit, the labor of men—he demands free trade in the broadest sense, not only free trade in bringing in laborers of our own race who can soon accommodate themselves to our conditions of life, but the bringing in a class of laborers who have been inured to poverty by thousands of years of training. The capitalist asks the broadest free trade for that, his own market in any event being protected.

Now, how is it with the laborer? Everything he wants to buy he has to buy from his capitalist master in a protected market; everything he has to sell, to wit, his labor (and, unlike the capitalist, he can not hold it away from sale; unlike the capitalist, he can not wait for better times or travel here and there where he pleases to sell it, but he must sell it every day), he must sell in the openest market in the world. This is the theory in favor of the laborer that the gentleman [Mr. DAWES, of Massachusetts] propounds to us. We reject it, and by this bill propose to bar out this degrading, this shocking competition with our own people. And yet he tells us we are striking a blow at labor, that we are proposing to inflict injury on the laborers of our country.

That simply shows how those distinguished Senators at that time regarded this question. The idea that this bill is for the purpose of protecting American laborers in any branch is simply a mere pretext.

I have in my hand the act of February 23, 1887, entitled "An act to amend an act to prohibit the importation and immigration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia." I also hold in my hand the general deficiency bill approved October 19, 1888, which contains two clauses amendatory of this law. These are the only laws which have been passed upon that question, and I shall ask that they may be printed in my remarks in consecutive order: first, the law of February 26, 1885, then the law of February 23, 1887, and then these two extracts on pages 2 and 3 of the law of October 19, 1888, and they will show the legislation and to what extent it has gone. Now I will read the first section of the law of February, 1885:

That from and after the passage of this act it shall be unlawful for any person, company, partnership, or corporation, in any manner whatsoever, to prepay the transportation, or in any way assist or encourage the importation or migration of any alien or aliens, any foreigner or foreigners, into the United States, its Territories, or the District of Columbia, under contract or agreement, parole or special, express or implied, made previous to the importation or migration of such alien or aliens, foreigner or foreigners, to perform labor or service of any kind in the United States, its Territories, or the District of Columbia.

Then section 2 provides that all these contracts shall be null and void, etc. We destroyed the law of July 4, 1864, which made valid and binding contracts made in foreign countries and made them enforceable in the courts of the United States just the same as if made within the territorial limits of our own country and made them liens upon the labor and products of labor of the employés.

This law is an extension of this. It is no stronger than this, and, notwithstanding the stringency of the law of February 26, 1885, the records of our country show that protected manufacturers have brought in contract laborers—not that you could prove that they had made a contract in writing, express, or even implied, but they have evaded the law and they are evading it to-day, and this bill will only enable them to evade it still more.

Mr. CULLOM. Will the Senator allow me to interrupt him a moment?

Mr. COCKRELL. Certainly.

Mr. CULLOM. In the line of his remarks I wish to say that I have information showing that persons on our Northern border come down across the line and work in the United States during the winters or during the months when they are not engaged at home, and when they get ready to go back they go back and take with them whatever they have earned on this side of the line.

Mr. COCKRELL. There is no doubt about that, and how is it done? A gentleman will go along among the class of people where laborers can be found and will tell some one, or have some friend to say to him, "If laborers go down to B. at a certain place I am pretty sure they can get wages and employment there." There is no contract. He does not offer them anything, and your law does not cover the case. The man comes down from Canada all along our border whenever he is idle in Canada and competes with American laborers, and your law does not touch him.

Mr. BLAIR. The Senator is quite mistaken about that. It is a violation of the law to encourage men to come.

Mr. COCKRELL. There is no encouragement—none in the world. They simply tell the truth. A man simply says, "Go to so and so, and labor will be furnished and pay will be given." There is no inducement about it. And Europe has been filled with these men tramping from place to place where laborers could be found, and telling them the same thing. The laborers come here; they land; they are not under a contract; there is no agreement, express or implied; they want to go to a certain locality in the United States. Well, any man raised in Europe would be glad to find out different localities; but they go to that locality, and it happens to be exactly where some persons want to employ labor. They go to the coal mines, or they go to some establishment where large numbers of hands are employed, just after a strike, or just preceding a reduction of wages. There they are. You can not prove any contract, express or implied, or anything of the kind. Your law does not cover such a case; and this is a mere subterfuge; it is a

mere pretense that you are trying to prevent the importation of laborers here to compete with the laboring citizens of the United States in the different industries of our country. It is doing no such thing. It is relaxing the law.

Mr. WOLCOTT. May I ask the Senator from Missouri a question?

Mr. COCKRELL. Certainly.

Mr. WOLCOTT. What method of prevention would the Senator suggest?

Mr. COCKRELL. If I were drawing a law, I should make it a great deal more rigid than this.

Mr. WOLCOTT. Some of us would be very glad if it were possible to make it more stringent, and if the Senator will suggest some way whereby it can be more completely covered, I shall be obliged to him.

Mr. COCKRELL. Permit me to say that you would not vote for it.

Mr. WOLCOTT. The Senator is mistaken. I would.

Mr. COCKRELL. I would prohibit the employment of any of these men in any employment that receives aid and protection from the Government of the United States. You will not vote for that.

Mr. HOAR. What men?

Mr. COCKRELL. These imported contract laborers, these laborers brought from foreign countries as they would be brought here to establish your tin-plate industry.

Mr. HOAR. Do I understand the Senator to say he would be in favor of a law that would prohibit any person of foreign birth that comes to this country from getting work?

Mr. COCKRELL. Not at all.

Mr. HOAR. That seems to be the argument.

Mr. COCKRELL. Not at all. The Senator has now disclosed this. He understands how they get laborers here in the manufacturing establishments. That discloses it. Oh, no, you are not going to exclude foreigners; not at all! They come here to work and become citizens. Oh, yes, and they go right to your manufacturing establishments where there is a strike or a reduction of wages.

Mr. BLAIR. I should like to interrupt the Senator long enough to say that this bill provides expressly for the return of these people when such things are discovered.

Mr. COCKRELL. Oh, that is where there is a contract, express or implied. You can not read it that way and you know it. That is a mere subterfuge. This is a mere false pretense held out to make the laborers believe that you are protecting them at the same time that you are protecting what Senator JONES calls the capitalist manufacturers, the lordly manufacturers, as the distinguished Senator calls the protected manufacturers. It is nothing but a sham, a fraud, and a pretense.

Mr. President, I ask that all these laws may be inserted in the RECORD so that we shall see the whole list in consecutive order.

Mr. BLAIR. Mr. President, I ask that the pending bill may be printed in the RECORD as an absolute denial and contradiction of every sensible assertion the Senator has made.

Mr. PLATT. When the Senator from Missouri first commenced—

Mr. RANSOM. Having permitted the Senator from Missouri to go on, I shall permit the Senator from Connecticut to reply to him.

Mr. BLAIR. Mr. President—

Mr. PLATT. I just want a moment.

Mr. BLAIR. I shall ask that the bill go over myself, but I shall ask that it displace the unfinished business very soon unless that is disposed of, because I can not trifle with the slight remainder of the session, for it is necessary to get some action upon some bill on this subject.

The PRESIDING OFFICER (Mr. MANDERSON in the chair). The Senator from Connecticut [Mr. PLATT] is entitled to the floor.

Mr. PLATT. Mr. President, when the Senator from Missouri first commenced his remarkable speech, in which he seemed to be tormented by the vision of the manufacturers pursuing him, he said that the law of 1864 was passed for the purpose of getting immigrants at work in the factories; and having on some former occasion read the report which accompanied the passage of that bill I remarked to the Senator that if he would read that report he would find that it was put very largely upon the necessity of having people to settle up our lands and work our farms. I thought I was not mistaken about it. So I sent for the report, and I want to read one extract from it, the report made by the Senator from Ohio [Mr. SHERMAN], from the Committee on Agriculture. It says:

The increase in the inhabitants of the great Middle States has been at the rate of 25 per cent. during the last decade, while that of the northwestern group has been 100 per cent. It is to the less populous States and to the Territories that the influx of immigrants can be best directed, alike as regards their own welfare and property and the benefits they will confer on the nation.

Well, it is not the less populous States and Territories in which manufacturing are situated. It goes on:

The growth of these States represents the reclamation of new lands from the waste forests and prairies, to be a possession for civilized man forever. It indicates the development of mining, agricultural, and pastoral wealth out of the natural riches provided for the use and enjoyment of man, but yet chiefly unappropriated. The increase in the population of these States is directly due, in a great degree, to the settlement of immigrants; and the whole population of Indiana, Illinois, Michigan, Wisconsin, Iowa, Minnesota, and Kansas, added together, exceeds only by one-tenth the number of foreign passengers to this country since 1819, to say nothing of their increase by the ordinary laws of population.

The advantages of foreign immigration, as between the United States and the people of European countries, are mutual and reciprocal. If our prairies and mineral lands offer inducements to the immigrant and promise him requital for the pangs of severed family ties and separation from the scenes of his early childhood, he, in his turn, contributes to the development of the resources of our country and adds to our material wealth. Such is the labor performed by the thrifty immigrant that he can not enrich himself without contributing his full quota to the increase of the intrinsic greatness of the United States. This is equally true whether he work at mining, farming, or as a day laborer on one of our railroads.

The PRESIDING OFFICER. The Chair desires to understand what the matter was that was desired by the Senator from Missouri [Mr. COCKRELL] to be inserted in the RECORD.

Mr. COCKRELL. The law of February 26, 1885, followed by the law of February 23, 1887, and two sections of the deficiency bill of October 19, 1888.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Missouri that these matters be inserted in the RECORD as part of his remarks? The Chair hears none.

The laws referred to are as follows:

[Public—No. 52.]

An act to prohibit the importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this act it shall be unlawful for any person, company, partnership, or corporation, in any manner whatsoever, to prepay the transportation, or in any way assist or encourage the importation or migration of any alien or aliens, any foreigner or foreigners, into the United States, its Territories, or the District of Columbia, under contract or agreement, parol or special, express or implied, made previous to the importation or migration of such alien or aliens, foreigner or foreigners, to perform labor or service of any kind in the United States, its Territories, or the District of Columbia.

SEC. 2. That all contracts or agreements, expressed or implied, parol or special, which may hereafter be made by and between any person, company, partnership, or corporation and any foreigner or foreigners, alien or aliens, to perform labor or service, or having reference to the performance of labor or service by any person in the United States, its Territories, or the District of Columbia previous to the migration or importation of the person or persons whose labor or service is contracted for into the United States, shall be utterly void and of no effect.

SEC. 3. That for every violation of any of the provisions of section 1 of this act the person, partnership, company, or corporation violating the same, by knowingly assisting, encouraging or soliciting the migration or importation of any alien, foreigner or foreigners, into the United States, its Territories, or the District of Columbia, to perform labor or service of any kind under contract or agreement, express or implied, parol or special, with such alien or aliens, foreigner or foreigners, previous to becoming residents or citizens of the United States, shall forfeit and pay for every such offense the sum of \$1,000, which may be sued for and recovered by the United States or by any person who shall first bring his action therefor including any such alien or foreigner who may be a party to any such contract or agreement, as debts of like amount are now recovered in the circuit courts of the United States; the proceeds to be paid into the Treasury of the United States; and separate suits may be brought for each alien or foreigner being a party to such contract or agreement aforesaid. And it shall be the duty of the district attorney of the proper district to prosecute every such suit at the expense of the United States.

SEC. 4. That the master of any vessel who shall knowingly bring within the United States on any such vessel, and land, or permit to be landed, from any foreign port or place, any alien laborer, mechanic, or artisan who, previous to embarkation on such vessel, had entered into contract or agreement, parol or special, express or implied, to perform labor or service in the United States, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine of not more than \$500 for each and every such alien laborer, mechanic, or artisan so brought as aforesaid, and may also be imprisoned for a term not exceeding six months.

SEC. 5. That nothing in this act shall be so construed as to prevent any citizen or subject of any foreign country temporarily residing in the United States, either in private or official capacity, from engaging, under contract or otherwise, persons not residents or citizens of the United States to act as private secretaries, servants, or domestics for such foreigner temporarily residing in the United States as aforesaid; nor shall this act be so construed as to prevent any person or persons, partnership, or corporation from engaging, under contract or agreement, skilled workmen in foreign countries to perform labor in the United States in or upon any new industry not at present established in the United States: *Provided*, That skilled labor for that purpose can not be otherwise obtained; nor shall the provisions of this act apply to professional actors, artists, lecturers, or singers, nor to persons employed strictly as personal or domestic servants: *Provided*, That nothing in this act shall be construed as prohibiting any individual from assisting any member of his family, or any relative or personal friend, to migrate from any foreign country to the United States, for the purpose of settlement here.

SEC. 6. That all laws or parts of laws conflicting herewith be, and the same are hereby, repealed.

Approved February 26, 1885.

[Public—No. 77.]

An act to amend an act to prohibit the importation and immigration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That an act to prohibit the importation and immigration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia, approved February 26, 1885, and to provide for the enforcement thereof, be amended by adding the following:

"SEC. 6. That the Secretary of the Treasury is hereby charged with the duty of executing the provisions of this act, and for that purpose he shall have power to enter into contracts with such State commission, board, or officers as may be designated for that purpose by the governor of any State to take charge of the local affairs of immigration in the ports within said State, under the rules and regulations to be prescribed by said Secretary; and it shall be the duty of such State commission, board, or officers so designated to examine into the condition of passengers arriving at the ports within said State in any ship or vessel, and for that purpose all or any of such commissioners or officers, or such other person or persons as they shall appoint, shall be authorized to go on board of and through any such ship or vessel; and if in any such examination

there shall be found among such passengers any person included in the prohibition in this act, they shall report the same in writing to the collector of such port, and such persons shall not be permitted to land.

"Sec. 7. That the Secretary of the Treasury shall establish such regulations and rules, and issue from time to time such instructions, not inconsistent with the law, as he shall deem best calculated for carrying out the provisions of this act; and he shall prescribe all forms of bonds, entries, and other papers to be used under and in the enforcement of the various provisions of this act.

"Sec. 8. That all persons included in the prohibition in this act, upon arrival, shall be sent back to the nations to which they belong and from whence they came. The Secretary of the Treasury may designate the State board of charities of any State in which such board shall exist by law, or any commission in any State, or any person or persons in any State, whose duty it shall be to execute the provisions of this section, and shall be entitled to reasonable compensation therefor to be fixed by regulation prescribed by the Secretary of the Treasury. The Secretary of the Treasury shall prescribe regulations for the return of the aforesaid persons to the countries from whence they came, and shall furnish instructions to the board, commission, or persons charged with the execution of the provisions of this section as to the time of procedure in respect thereto, and may change such instructions from time to time. The expense of such return of the aforesaid persons not permitted to land shall be borne by the owners of the vessels in which they came. And any vessel refusing to pay such expenses shall not thereafter be permitted to land at or clear from any port of the United States. And such expenses shall be a lien on said vessel. That the necessary expense in the execution of this act for the present fiscal year shall be paid out of any money in the Treasury not otherwise appropriated.

"Sec. 9. That all acts and parts of acts inconsistent with this act are hereby repealed.

"Sec. 10. That this act shall take effect at the expiration of thirty days after its passage."

Approved February 23, 1887.

[Public—No. 327.]

An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1888, and for prior years, and for other purposes.

THE TREASURY DEPARTMENT.

That the act approved February 23, 1887, entitled "An act to amend an act to prohibit the importation and immigration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia," be, and the same is hereby, so amended as to authorize the Secretary of the Treasury, in case he shall be satisfied that an immigrant has been allowed to land contrary to the prohibition of that law, to cause such immigrant within the period of one year after landing or entry, to be taken into custody and returned to the country from whence he came, at the expense of the owner of the importing vessel, or, if he entered from an adjoining country, at the expense of the person previously contracting for the services.

That the act approved February 26, 1885, entitled "An act to prohibit the importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia," be, and the same is hereby, amended so as to authorize the Secretary of the Treasury to pay to an informer who furnishes original information that the law has been violated such a share of the penalties recovered as he may deem reasonable and just, not exceeding 50 per cent., where it appears that the recovery was had in consequence of the information thus furnished.

Approved October 19, 1888.

THE PRESIDING OFFICER. The Chair would like to understand what the Senator from New Hampshire desired to have inserted in the RECORD.

Mr. BLAIR. I ask to have inserted at the point where I made the request, before the remarks of the Senator from Connecticut, the bill which is pending before the Senate (H. R. 9632); also, printed in connection with it the memorial of the Federation of Labor of this city, signed Paul T. Bowen, H. J. Schulteis, and also a brief statement presented by Mr. Charles H. Cramp.

THE PRESIDING OFFICER. Is there objection to the request of the Senator from New Hampshire?

Mr. SHERMAN. I wish, before the insertion of this voluminous matter in the RECORD, simply to say that the act of 1864 was passed, as we all know, as a matter of course, in the midst of the civil war, when there was a demand for labor in every department of industry, in all species of manufacturing, mining, on the farm, and everywhere else before the great inventions of modern times had revolutionized the process of farming and manufacturing. I wish to say that when that bill was introduced and passed it was voted for, if I remember correctly, by every member of the Senate, Democrat and Republican alike.

It was based upon the condition of things as it then existed. Senators will remember that at that time the North and the South were in a fierce and desperate struggle for what they believed to be on their respective sides the justice of their cause. The whole country was denuded of labor. Nearly all the laboring men of our country, North and South, entered the army on one side and the other; and that bill which has been commented upon and drawn into debate here several times in the progress of the last five or ten years as a matter of reproach against the framers of the bill, against those who supported it, was not only supported by every one, but sanctioned by public opinion throughout the United States.

If it contributed in any respect to supply the want of labor in that period of adversity, it did great good. I have no doubt the immigration invited under the provisions of that bill probably aided us to recover from the very grave and serious depression of industry from which the country was then suffering. That is all I wish to say. I should like to have that date marked as the explanation of the whole merit of the bill.

THE PRESIDING OFFICER. The Chair hears no objection to the request of the Senator from New Hampshire [Mr. BLAIR] to print in the RECORD the papers referred to by him, and it will be so ordered.

The matter to be inserted is as follows:

An act (H. R. 9632) to amend "An act to prohibit the importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this act it shall be unlawful for any person, persons, or corporation, in any manner or way whatsoever, to aid, assist, or encourage the importation or immigration of any alien into the United States under contract or agreement, parole or special, express or implied, made previous to such alien becoming a resident of the United States, to perform labor or service of any kind in the United States; any such contract shall be utterly void and of no effect; and it shall be unlawful for any alien to enter the United States under any such contract.

SEC. 2. That any person, persons, or corporation entering into a contract prohibited by section 1 of this act with any alien, or who shall knowingly assist, encourage, or solicit the importation or immigration of an alien into the United States, to perform labor or service of any kind under contract or agreement, parole or special, express or implied, with such alien, made previous to his becoming a resident of the United States, shall be fined in a sum not exceeding \$1,000, or imprisoned for a period not exceeding six months, or both, at the discretion of the court. The proceeds of fines collected under this act shall be paid into the Treasury of the United States. And in addition to the above penalties, any person, including the alien party to said contract, may institute a suit in the proper circuit court of the United States, in the name of the United States, against the person, persons, or corporation entering into the prohibited contract, and shall have the right to recover the sum of \$1,000 for each alien imported into the United States in pursuance of such contract. A separate suit may be brought for each alien included in such contract; and it shall be the duty of the district attorney of the proper district to appear and prosecute such suit at the expense of the United States. And it is further provided that no fine, penalty, or judgment recovered by the United States under the provisions of the act to which this act is an amendment, or which may hereafter be recovered by the United States under this act, or the act to which this act is amendatory, shall by any officer or agent of the United States be compromised for any sum of money less than the amount of money claimed or recovered for the violation thereof.

SEC. 3. That the master of any vessel who shall (knowingly) bring within the United States, on any vessel, or who shall land or permit to be landed from his vessel, from any foreign port or place, any alien laborer, mechanic, or artisan, who, previous to embarking on such vessel, had entered into contract or agreement, parole or special, express or implied, to perform labor or service in the United States, shall be deemed guilty of a misdemeanor, and on conviction thereof shall pay a fine of not more than \$500 for each and every such alien laborer, mechanic, or artisan so brought or landed as aforesaid, and may also be imprisoned for a term not exceeding six months, and shall return such alien to the port at which he embarked; and the above fine shall be a lien upon such vessel; and such vessel shall not have clearance from any port of the United States until such fine is paid. (The fact of such bringing or landing shall be prima facie evidence of such knowledge.)

SEC. 4. That it shall not be lawful for any person, persons, or corporation to encourage any alien laborer, mechanic, or artisan to migrate from any foreign country to the United States, by promise of employment, through advertisement or otherwise, and any such alien who shall thus be encouraged to immigrate to the United States, or who shall be a party to a contract prohibited by section 1 of this act, shall not be permitted to remain, but shall be returned to the port from whence he sailed; and the expense incurred by the United States in the enforcement of this section may be collected from the person, persons, or corporation who has thus encouraged the immigration of the alien, by suit in the proper United States circuit court; and all such encouragement of immigration by promise of employment, through advertisement or otherwise, shall be construed as a violation of section 1 of this act, and shall subject any person, persons, or corporation so encouraging the immigration to the penalties provided in section 2 of this act.

SEC. 5. That nothing in this act shall be so construed as to prevent any citizen or subject of any foreign country temporarily residing in the United States, in any private or official capacity, from engaging, under contract or otherwise, persons not residents of the United States to act as private secretary or household domestics for such foreigner temporarily residing in the United States as aforesaid; nor shall this act be so construed as to prevent any person, persons, or corporation from engaging, under contract or otherwise, skilled workmen in foreign countries to perform labor in the United States in or upon any new industry not at present established in the United States: *Provided*, That skilled labor for that purpose can not be obtained in the United States; nor shall the provisions of this act apply to professional actors, artists, lecturers, regularly ordained ministers of the gospel, learned professors for colleges and seminaries, or professional singers; nor to persons employed strictly as household domestics or servants traveling in the United States with their employers: *Provided also*, That nothing in this act shall be so construed as to prohibit any individual from assisting, by donations of money, any member of his family, or any relative, to migrate from any foreign country to the United States for the purpose of permanent residence in the United States.

SEC. 6. That any person arriving in this country on any vessel may be interrogated, under oath, to ascertain whether he is embraced within any of the provisions of this act; and any officer appointed by the Secretary of the Treasury to aid in the enforcement of this act, or of the act referred to in the title of this act, or any act amendatory thereof, shall have the power to administer oaths and to examine on oath any person supposed to be engaged in a violation of this act, or any of the acts above referred to, or any witness produced; and any false statement willfully made by such person or witness in the course of his examination is hereby declared to be perjury and shall subject the person guilty thereof to all the pains and penalties of perjury prescribed by law. The Secretary of the Treasury is hereby charged with the duty of executing the provisions of this act, and for that purpose he shall have the power to establish such rules and regulations and issue from time to time such instructions not inconsistent with law as he shall deem best calculated to enforce the provisions of this act, and shall have the power to withhold entry and clearance from any vessel used in violating the provisions of this act, or either of the acts in this section referred to, or the master of which refuses obedience to the provisions of said act; and when it shall be determined that any person arriving on any vessel within the jurisdiction of the United States in violation of the provisions of this act, and when a return of such person to the country from whence he came has been ordered, it shall be the duty of the master of the vessel on which such person was imported, at the demand of the Secretary of the Treasury, or other proper officer, to detain said person on board said vessel and transport said person to the country from whence he came at the expense of said vessel.

SEC. 7. That all laws or parts of laws in conflict with the provisions of this act are hereby repealed.

FEDERATION OF LABOR, Washington, D. C., September 15, 1890.

To the United States Senate:

The following bills have passed the House of Representatives and are now pending in the Senate:

H. R. 3226, to prevent the use of the product of convict labor by the Government;

H. R. 3928, to prevent the employment of convict labor on public buildings;
H. R. 9632, to amend the act to prohibit the importation of foreign labor under contract;
H. R. 11120, to adjust the accounts of laborers, etc., arising under the eight-hour law; and
H. R. 9791, constituting eight hours a day's work for laborers, workmen, and mechanics employed by or on behalf of the Government of the United States, etc.

CONVICT LABOR.

The general purpose of the bills H. R. 3286 and 3928 is to prevent the competition of convict labor with free and honest labor. Experience has shown the evils of such competition, and in the various States where it has been presented to the people as an issue the verdict has always been against such competition. The enactment of these laws will place the National Government in line with the most progressive State governments, and, while enlarging the field of honest and free labor, relieve the convict from the barbarities of contract slavery, which too often disgrace our penal administrations.

IMPORTED CONTRACT LABOR.

The policy upon which the bill H. R. 9632 is based is already recognized in the enactments of Congress. It has been discussed amply, so we need add no arguments in its support. Existing law has been found inadequate to suppress the evils of the importations of labor under contract, and this bill is designed to remedy the defects of the old law. It is needless to say that it is the only measure that directly and plainly protects American labor from competition with foreign laborers, by excluding a part of the latter who would come to this country to work. If there is anything in the policy of "protection," a measure like this should stand at the head and not at the rear of the legislation on the subject, and the law should not be made ridiculous by the prosecution of importers of high-priced preachers and professors, while its real violators are ignored or lightly prosecuted and allowed to compromise suits for nominal sums. We bespeak not only the passage of this law, but an earnest and sincere administration of it.

ADJUSTMENT OF EIGHT-HOUR ACCOUNTS.

The bill H. R. 11120 comes to the Senate as an evidence that the eight-hour law of 1868 has been ignored, obstructed, and violated by hostile administrative officers. The intent of the law was that the usual or normal day's pay should be given for eight hours' work; but employees of the Government were repeatedly told that they must accept a reduction of pay, or work ten hours, or leave the Government service. The question is whether they shall have what the law intended—a full day's pay for eight hours' work—with additional compensation for extra labor exacted by Government officials in violation of law. Assuming that the Senate will give them that, we call attention to the last proviso in the bill, lines 47 to 50, page 4. The bill may as well be ignored or defeated as to be passed with that proviso. We know by experience what to expect from antiquated judges seeking laboriously to discover "implied contracts" to bar claims growing out of the violation of the eight-hour law. The presumption that men who are entitled to a day's pay for eight hours' service voluntarily gave the Government two hours more work every day "for the fun of it," seems irresistible to many judges, but it is pure poppycock to workmen not learned in the law.

If those last claims are to be paid it will be necessary to strike out the proviso on page 4 of the printed bill. We therefore urge the passage of this bill as reported to the Senate from the Committee on Education and Labor.

THE EIGHT-HOUR LAW.

The eight-hour law of 1868 was passed because, in the opinion of the working people and the Congress that enacted it, the time had come when our productive agencies enabled a worker to produce as much in eight hours as formerly in ten or twelve hours. It was believed that considerations of physical and mental welfare demanded a reduction of the hours of labor. It was seen that such a reduction was needed to give employment to those whose labor would otherwise be supplanted by machinery. It was hoped that the action of the Government would prompt private employers to adopt the same rule, and that a public eight-hour day would incite all workers to successful efforts to establish a similar work-day in private employment.

These good results have not been realized, because:

First. Administrative officers and Federal courts have held that the law gave no right to a full day's pay for eight hours' work; that it permitted employees to "contract" to work as many hours as were demanded for as little pay as was offered; and that Government officers could exact such length of service as they pleased, and "permit" employees to work as long as they liked.

Second. Administrative officers have, in nearly all cases where possible, placed public work in the hands of contractors, whose relation with their workmen was regarded as a private and not a public one.

It follows that an eight-hour law is needed which can neither be violated nor evaded with impunity by executive officers or their agents, and which will provide in substance:

1. That eight hours shall be as much as any individual shall be employed per day.

2. That for eight hours' work the Government shall pay at least the rate of wages paid per day for similar labor in the vicinity where the labor is performed.

3. That Government contractors are Government agents; that their employees are employed by and on behalf of the Government, and that contracts shall stipulate for the employment and payment of laborers and mechanics in accordance with the eight-hour law.

4. That appropriate penalties shall be inflicted for violation of the law.

The bill H. R. 9791 will do all this when it shall have been passed with the amendments herein suggested.

In line 7, section 1, after the word "Columbia," insert the words "and no officer of the Government of the United States or the District of Columbia shall require or permit any laborer, workman, or mechanic to work more than eight hours per calendar day." This is necessary, because, though the bill defines a day's work, and in section 2 prohibits contractors from requiring more, it nowhere, except by inference, forbids Government officers from requiring or permitting men to work more than eight hours. This prohibition must not be left to inference, for it will never be inferred by our courts and administrative officers, as past experience has demonstrated.

In line 15, section 1, after the word "wages," insert the words "for similar services."

Strike out all after the word "subcontractors" in line 27, section 1, to the end of the section. These words were not in the bill as reported to the House from the Committee on Labor, and ought to be stricken out because they conflict with and nullify the latter clause of the second proviso of section 1. The Government should be held responsible for the acts of its agents, including contractors, to the same extent that private citizens are held responsible for the acts of their agents.

In line 4, section 2, after the word "work," insert the words "shall be," to complete the grammatical construction.

In line 7, section 2, after the word "require," insert the words "or permit."

The words "or permit" are vital to the purpose of the law. The present eight-hour law is extensively violated because workmen are employed over time. It is true that now, as a rule, they receive a day's pay for each eight hours, and, by making extra time, make extra pay. But we protest particularly against this practice. The eight-hour law is meant to get a time advantage

and not a money advantage for workmen. When a man has worked eight hours and earned a day's pay we want him to quit for his own physical and mental good, and also to make room for some other worker to earn his living. It will no doubt be conceded that it would be in accordance with the principles of justice and equity to employ six hundred persons at \$4 per day of eight hours than to employ four hundred at \$6 per day of twelve hours, especially when two hundred persons are thereby deprived of the opportunity to labor at all.

Among all the ways of violating the spirit of the eight-hour law there is none we detect so much as the "permitting" of favored Government employees to grab all the work and all the pay. If that is all the law is to accomplish it would better be repealed. If any man wants to work ten, twelve, or fourteen hours so badly that he seeks and obtains "permission," let him do it for a regular day's pay. When there is no extra pay (except in the cases of "extraordinary emergency" named in the bill) for overtime there will be no "permission" violators of the eight-hour law.

Of course the rule that applies to Government officers should apply to Government contractors, as section 2 contemplates. But in the original bill the words "or permit" followed the word "require," in line 7, section 2, and were stricken out. They must have been stricken out to enable contractors to "permit" men to work more than eight hours. It must have been contemplated that contractors would want to "permit" men to work ten or more hours per day or the amendment would have no purpose. If a contractor is allowed to permit men to work as long as they please for any wages he pleases, it may be safely predicted that no one will be employed by contractors except those who seek permission to work more than eight hours. The force of the whole section rests on the two words "or permit," and we sincerely hope the Senate will restore them, and that the House of Representatives will concur in such action.

In reply to the charge that this section (2) infringes the rights of citizens (contractors and laborers), we contend that they have no rights in this respect except such as grow out of a contract with the United States. To its contracts the Government can add any conditions it may choose, and the full and complete freed man of the citizen is secured by his right to accept the contract with those conditions or let it alone.

So, too, with workmen. The Government, through its administrative officers or its agents (the contractors), for reasons of public policy, offers employment upon the condition that a full day's wages will be paid for eight hours' work, but that no overtime can be made and no extra pay can be earned. In this case every one is free to accept or reject such employment, and the freedom of the working people is in no way limited. There need be no misgivings that the Government or its contractors will lack willing workers because they are not permitted to work ten hours a day when they are guaranteed a day's pay for eight hours.

The time when the Government might have taken the lead in the movement for a reduction of the hours of labor to eight hours per day has long since passed, for, without the help of any law, and with very little encouragement from any source outside their own ranks, many trades and individuals have achieved an eight-hour day. Others will do so, and the rule will become universal, as now nearly all admit and hope. But the effort, expense, and strife incidental to the development of an eight-hour day are sore burdens to those who bear them, and, on the principle of "better late than never," the Government can give the movement a great impetus, and make the transition much easier than it will otherwise be, by the passage of House bill 9791, which, with the amendments suggested, will, we believe, compel officers and agents of the Government to enforce the law of 1868 in accordance with its true spirit and intent, and confer upon the country and the working people the benefits sought from such legislation.

In conclusion, we earnestly urge the Senate to pass the five bills herein specified, with amendments as stated, at the present session.

In our opinion, the passage of these bills by Congress, and their honest enforcement by the Executive Departments of the Government, will be fully appreciated by the wage-workers of the United States.

By direction of the Federation of Labor.

PAUL T. BOWEN,
H. J. SCHULTEIS,
E. W. OYSTER,

Committee.

At a regular meeting of the Federation, held this date, the above memorial was unanimously indorsed.

[SEAL.]

JOS. K. PATTEN,
Secretary Federation of Labor.

Hon. H. W. BLAIR:

It will be practically impossible under the conditions of the bill (H. R. 9791) for ship-builders to avail themselves of the privilege of building Government vessels.

The bill prevents employers from contracting with their employees for compensation or for quantity of work done, and it destroys all well-defined methods resulting from years of experience for carrying on their work, and substitutes none in their places.

It will be impossible for officers of the Government to ascertain and satisfy themselves that the provisions of the act have been violated, as matters that enter into the construction of a modern man-of-war are so numerous and various in character that they can not be followed up to their sources.

It is certain also that Government and private building can not go on in the same establishment at the same time, while for private work where there is freedom and unrestricted liberty to make such arrangements between employer and employed as they deem best suited to their interests and profession, and where for Government work iron-clad and adverse laws with severe punishment is the rule.

It would be well for the Senate to avail themselves of the discussions of the Trade Union Congress, Hope Hall, Liverpool, whose week's sittings concluded on September 6 of this month.

The eight-hour question was the principal subject engaging their attention. The representatives of those unions, composed of skilled artisans, such as the amalgamated engineers, cotton spinners, and others, were opposed to Parliamentary interference with personal rights and to measures tending to pauperize skilled industries.

That great representative of the people and level-headed statesman Mr. Bradlaugh was one of the many who took strong grounds against the efforts to establish by Parliament a parental care over any class of the citizens of Great Britain, and has attacked the scheme of Parliamentary rates for wages and time for work.

No harm can come from investigating this subject, and all the facts bearing on the case should be ascertained by the Senate before finally settling this great question.

In fact, there should be an amendment to the bill, if it must pass so soon, providing for the appropriation of — millions to purchase the various ship-building and other establishments destroyed in consequence of the passage of this bill.

CHAS. H. CRAMP.

Mr. RANSOM. I ask that the Senate proceed to the consideration of unfinished business.

The PRESIDING OFFICER. The bill which has been under consideration will be returned to the Calendar, retaining its place.
Mr. BLAIR. Without prejudice.
The PRESIDING OFFICER. The bill will be passed over without prejudice.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 25th instant approved and signed the following acts and joint resolutions:

An act (S. 745) for the relief of Henry G. Healy;
An act (S. 750) for the relief of Christian Fredericksen;
An act (S. 897) to establish a port of delivery at Sioux City, Iowa;
An act (S. 2835) to amend an act approved March 3, 1887, entitled "An act to amend sections 2533 and 2534 of the Revised Statutes, and making Hartford, in the State of Connecticut, a port of entry in place of Middletown;"

An act (S. 2553) to remove the charge of desertion and of having enlisted in the Confederate service from the records of the War Department standing against John McFarland, and to grant him an honorable discharge;

An act (S. 3089) to authorize the Secretary of the Interior to survey and mark the seventh standard parallel between the States of North and South Dakota;

An act (S. 3130) to correct the military record of William Smith, of Tennessee;

An act (S. 3843) to provide for the establishment of a port of delivery at Rock Island, Ill.;

Joint resolution (S. R. 6) granting permission to officers and enlisted men of the Army and Navy of the United States to wear the badges adopted by military societies of men who served in the war of the Revolution, the war of 1812, the Mexican war, and the war of the rebellion;

Joint resolution (S. R. 102) to print the annual reports of the Bureau of Animal Industry for the years 1889 and 1890; and

Joint resolution (S. R. 109) providing for the printing of the Agricultural Report for 1890.

The message also announced that the President had this day approved and signed the following acts:

An act (S. 20) granting right of way across United States lands in St. Augustine, Fla.;

An act (S. 1872) to restore telegraphic communication between Taosch Island and Port Angeles, Wash.;

An act (S. 3751) to grant to the Mobile and Dauphin Island Railroad and Harbor Company a right to trestle across the shoal water between Cedar Point and Dauphin Island;

An act (S. 4278) authorizing the construction of a bridge over the Tennessee River at or near Knoxville, Tenn.;

An act (S. 4280) to authorize the construction of a bridge across the Chattahoochee River, in the State of Georgia; and

An act (S. 4581) to authorize the construction of a bridge across the Oconee River, in the State of Georgia.

HOUR OF MEETING TO-MORROW.

Mr. STEWART. I move that when the Senate adjourn to-day it adjourn to meet at 12 o'clock to-morrow.
The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had non-concurred in the amendment of the Senate to the bill (H. R. 7666) making an appropriation to construct a road and approaches from the city of Alexandria, Va., to the national military cemetery near that city, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. WILLIAMS, of Ohio, Mr. KINSEY, and Mr. LANHAM managers at the conference on the part of the House.

The message also announced that the House had non-concurred in the amendment of the Senate to the bill (H. R. 5067) for the relief of Archibald Hunley, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. OSBORNE, Mr. LANSING, and Mr. LANHAM managers at the conference on the part of the House.

The message further announced that the House insisted upon its amendment to the bill (S. 3716) to provide for the examination of certain officers of the Army, and to regulate promotions therein, disagreed to by the Senate, agreed to a conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CUTCHERON, Mr. OSBORNE, and Mr. WHEELER, of Alabama, managers at the conference on the part of the House.

The message also announced that the House insisted upon its amendments to the bill (S. 2048) granting right of way to the Junction City and Fort Riley Street Railway Company into and upon the Fort Riley military reservation, in the State of Kansas, and for other purposes, disagreed to by the Senate, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. WILLIAMS, of Ohio, Mr. KINSEY, and Mr. WHEELER, of Alabama, managers at the conference on the part of the House.

The message further announced that the House had passed the following bills:

A bill (S. 473) for the relief of the Portland Company, of Portland, Me.;

A bill (S. 497) to provide for the sale of certain New York Indian lands in Kansas;

A bill (S. 1187) for the relief of the Washington Iron-Works;

A bill (S. 3801) authorizing the use of the Louisville and Portland Canal basin on certain conditions;

A bill (S. 3830) to prohibit book-making of any kind and pool-selling in the District of Columbia for the purpose of gaming;

A bill (S. 3895) to amend an act entitled "An act to establish a railway bridge across the Illinois River, extending from a point within 5 miles of Columbiana, in Greene County, to a point within 5 miles of Farrowtown, in Calhoun County, in the State of Illinois," approved March 3, 1883;

A bill (S. 4064) for the relief of William J. Martin;

A bill (S. 4074) to provide an American register for the bark Campanero, of Baltimore, Md.;

A bill (S. 4297) to authorize the Seneca Nation of New York Indians to lease lands within the Cattaraugus and Allegany reservations, and to confirm existing leases; and

A bill (S. 4334) to authorize the building of a bridge at Dardanelle, Ark., across the Arkansas River.

UNITED STATES LAND COURT.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1042) to establish a United States land court, and to provide for the settlement of private land claims in certain States and Territories.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Colorado [Mr. WOLCOTT], which will be stated.

The SECRETARY. In section 13, page 18, strike out the seventh subdivision and insert in lieu thereof:

Seventh. No confirmation shall in any case be made or patent issued for a greater quantity of land than was originally granted by the Government under which the claim had inception, or for any greater quantity of land than was legally granted by such Government when the same was made.

Mr. PASCO. Mr. President, the bill before the Senate has been attacked with great vigor and severity, and perhaps I may add bitterness. The Senator from Colorado has said with reference to it that its passage would be a disgrace.

The bill as it stands is utterly unjust and unfair and indefensible. It is a bill which is asked for by nobody who has valid interests in the grants from Mexico, and a bill which is desired by no good citizen who wishes that this should fulfill its obligations.

He said further with reference to it:

The bill proposes to tear up and destroy these titles which have never been questioned and to authorize this Government to seize and to steal all these valid grants exceeding 11 square leagues.

Also:

Such a course is iniquitous, and under no pretense of right or justice can it be in my opinion sustained.

It is because of this attack upon the bill that I feel impelled to take a part in the discussion in order that I may bear my full share of responsibility as a member of the committee which reported the bill.

The contention upon which the opposition to the bill rests is mainly with reference to the status of what are known as perfect claims. It is argued that all claims and grants originating during the Spanish and Mexican occupation of the States and Territories where this bill is to be operative will be forever barred unless since the cession to the United States they have been confirmed by Congress or finally decided upon by other lawful authority. An examination of the bill, as already stated by the Senator from North Carolina [Mr. RANSOM] and by the Senator from Nevada [Mr. STEWART], will show that it provides for no action with reference to titles and grants which were perfect at the time of the cession. Such titles need no aid. They stand confirmed by the terms of the treaty.

Yesterday while the Senator from Alabama [Mr. MORGAN] was upon the floor I referred to the case of the United States vs. Wiggins, in 13 Peters, on page 350. In that case, which arose under a Spanish grant, the distinction is drawn between a perfect title and an incomplete title. The court says with reference to the former:

That the perfect titles made by Spain before the 24th of January, 1818, within the ceded territory, are intrinsically valid, and exempt from the provisions of the eighth article, is the established doctrine of this court, and that they need no sanction from the legislative or judicial departments of this country.

In speaking of the other classes of claims it says:

But that there were at the date of the treaty very many claims whose validity depended upon the performance of conditions, in consideration of which the concessions had been made, and which must have been performed before Spain was bound to perfect the titles, is a fact rendered prominently notorious by the legislation of Congress and the litigation in the courts of this country for now nearly twenty years. To this class of cases the eighth article was intended to apply; and the United States were bound, after the cession of the country, to the same extent that Spain had been bound before the ratification of the treaty, to perfect them by legislation and adjudication; and to this end the Government has provided that it may be sued by the claimants in its own courts, where the claims shall be adjudged, and the equities of the claimants determined and settled according to the law of nations, the stipulations of the treaty, and the

proceedings under the same, and the laws and ordinances of the government from which the claims are alleged to have been derived.

These are the rules of decision prescribed to the courts by Congress in the act of 1824, chapter 173, section 2, passed to settle the titles of Missouri and Arkansas, and made applicable to Florida by the act of 1828, chapter 70, section 6. By the sixth section of the act of 1824 the claimant who has a decree in his favor is entitled to a patent from the United States, by which means his equitable claim draws to it the estate in fee. These are the imperfect claims to which the eighth article of the treaty with Spain refers.

Under statutes which were passed with reference to the settlement of these claims both the holders of the perfect and the imperfect claims were required first to go before the commissioners and afterwards before the courts for the settlement and adjudication of those claims. It was decided in another case, which I have here, that even the action of the commissioners upon perfect claims, when it was unfavorable, did not prevent the courts afterwards from deciding differently and from declaring that they were perfect claims and that the titles were good. The case to which I refer is *The United States vs. Percheman*; it is found in 7 Peters, page 51. It was a case argued with great ability. Attorney-General Taney was upon one side, who afterwards became Chief-Justice of the United States, and Colonel White, who at that time or about that time represented the then Territory of Florida as a Delegate, were the counsel before the court, and the opinion was rendered by Chief-Justice Marshall.

In this case the parties had gone before the commission. They had there failed. The United States afterwards permitted itself to be sued in its own courts in order that the validity of the grants might be adjudicated. Those cases which had been before the commissioners were not, by the language of the law, to be considered by the court afterwards, but in this case the parties filed their petition before the court, notwithstanding the previous rejection, and Mr. Taney, representing the United States, argued in the Supreme Court, among other things, that the court had not jurisdiction in the case under the act of Congress of May 26, 1830, the claim in question having been finally acted upon and rejected by the register and receiver, who were the commissioners. The position taken by Mr. White was that it was not competent for Congress to pass any law authorizing any tribunal created under its authority to invalidate a perfect title confirmed by the treaty of the 22d of February, 1819.

I will read a short extract from the opinion of the court, found on the eighty-sixth and eighty-seventh pages. The court say with reference to the rights of persons owning land in the ceded territory who had obtained their grants and held perfect titles under the previous government:

It may not be unworthy of remark that it is very unusual, even in cases of conquest, for the conqueror to do more than to displace the sovereign and assume dominion over the country. The modern usage of nations, which has become law, would be violated, that sense of justice and of right which is acknowledged and felt by the whole civilized world would be outraged, if private property should be generally confiscated and private rights annulled. The people change their allegiance; their relation to their ancient sovereign is dissolved; but their relations to each other and their rights of property remain undisturbed.

If this be the modern rule, even in cases of conquest, who can doubt its application to the case of an amicable cession of territory? Had Florida changed its sovereign by an act containing no stipulation respecting the property of individuals, the right of property in all those who became subjects or citizens of the new government would have been unaffected by the change. It would have remained the same as under the ancient sovereign. The language of the second article conforms to this general principle: "His Catholic Majesty cedes to the United States, in full property and sovereignty, all the territories which belong to him situated to the eastward of the Mississippi, by the name of East and West Florida."

A cession of territory is never understood to be a cession of the property belonging to its inhabitants. The king cedes that only which belonged to him. Lands he had previously granted were not his to cede. Neither party could so understand the cession. Neither party could consider itself as attempting a wrong to individuals, condemned by the practice of the whole civilized world. The cession of a territory by its name from one sovereign to another, conveying the compound idea of surrendering at the same time the lands and the people who inhabit them, would be necessarily understood to pass the sovereignty only, and not to interfere with private property.

Further on the court say:

This article is apparently introduced on the part of Spain.

Referring to the eighth article of the treaty, which perhaps I may as well read. The eighth article of the treaty says:

All the grants of land made before the 24th of January, 1818, by His Catholic Majesty, or by his lawful authorities in the said territories ceded by His Majesty to the United States, shall be ratified and confirmed to the persons in possession of the lands, to the same extent that the same grants would be valid if the territories had remained under the dominion of His Catholic Majesty. But the owners in possession of such lands, who, by reason of the recent circumstances of the Spanish nation and the revolutions in Europe, have been prevented from fulfilling all the conditions of their grants, shall complete them within the terms limited in the same, respectively, from the date of this treaty; in default of which the said grants shall be null and void. All grants made since the said 24th of January, 1818, when the first proposal on the part of His Catholic Majesty for the cession of the Floridas was made, are hereby declared and agreed to be null and void.

The court say:

This article is apparently introduced on the part of Spain, and must be intended to stipulate expressly for that security to private property which the laws and usages of nations would, without express stipulation, have conferred. No construction which would impair that security further than its positive words require would seem to be admissible. Without it the titles of individuals would remain as valid under the new government as they were under the old; and those titles, so far as at least as they were consummated, might be asserted in the courts of the United States, independently of this article.

The court ask, indignantly, further on:

Is it possible that Congress could design to submit the validity of titles which were "valid under the Spanish Government or by the law of nations" to the determination of these commissioners?

Notwithstanding the previous adverse determination of the commissioners, the Supreme Court held that that grant was valid.

Mr. President, it is with reference to decisions of this class that the committee constructed this bill. There are three classes of cases referred to. Two only have been mentioned in the debate. The third has been treated and considered as though it was a mere repetition or consolidation of the other two. These are the classes found in the sixth section. First, those "which at the date of the passage of this act had not been confirmed by act of Congress;" second, those which have not been "otherwise finally decided upon by lawful authority;" and, third, those "which have not become complete and perfect."

These are the three classes of claims which are provided for in this act. The jurisdiction is given to the proposed court in cases of those three classes and none others. It expressly excludes the perfect grants which have been defined clearly in the decisions which I have read, and in those decisions it is declared that they need no assistance from the legislative or judicial departments of the Government. The bill further says in the first paragraph of section 13:

First. No claim shall be allowed that shall not appear to be upon a title lawfully and regularly derived from the Government of Spain or Mexico, and one that at the date of the acquisition of the territory by the United States the claimant would have had a lawful right to make perfect—

Evidently the imperfect title alone is referred to—

had the territory not been acquired by the United States, and that the United States are bound, upon the principles of public law, or by the provisions of the treaty of cession, to respect and permit to become complete and perfect.

It is only these three classes of claims which are required to be presented to this court. It is only these three classes of claims that this court has any jurisdiction to hear and decide by the terms of this bill. It is only these three classes of cases here enumerated which are barred by this statute of limitations of two years. Section 12 of the bill says:

That all claims which are by the provisions of this act authorized to be prosecuted shall, at the end of two years from the taking effect of this act, if no petition in respect to the same shall have then been filed as hereinbefore provided, be deemed and taken, in all courts and elsewhere, to be abandoned and shall be forever barred.

The court has no jurisdiction over any but these three designated classes of claims, and therefore, by the express terms of this twelfth section, they only, and not the perfect claims, are barred by this bill. This bill treats the perfect claims as the Supreme Court regards them, as needing no help from the legislative department of the Government.

Then, Mr. President, the allegation that all claims, without regard to their being perfect or imperfect, are to be barred in two years is not sustained by the record, as will be found by a proper examination of the terms of the bill. The case which has been cited from 130 United States Reports, arising under the California statutes, was in a different position, for there the court did have jurisdiction over the perfect titles as well as the imperfect titles. There the act did require that the imperfect titles and perfect titles alike should be presented for the adjudication of the courts, and after the period fixed in the statute had elapsed the Supreme Court made the decision that the power of Congress was supreme over the matter. But there has been no such arrangement proposed in this bill with reference to perfect grants.

Mr. President, I will read the eighth section of the treaty with Mexico upon which this present matter rests as showing the difference between it and the Florida treaty which I read awhile ago, the treaty of 1819. Article 9 of the treaty of Guadalupe Hidalgo, says:

In the said territories property of every kind, now belonging to Mexicans not established there, shall be inviolably respected. The present owners, the heirs of these, and all Mexicans who may hereafter acquire said property by contract, shall enjoy with respect to it guarantees equally ample as if the same belonged to citizens of the United States.

If a person had a perfect title under the Mexican Government or one derived from the Spanish Government, then the title is perfect and valid now; it needs no aid from the United States; it needs no aid from Congress; it needs no more aid than the title to the land which I own derived from the patents of the United States. The titles which were good, perfect, and complete under the Mexican law at the time of the cession are good, complete, and perfect now, and if there is anything in the decision of the Supreme Court in the case which I read, those people require no aid whatever from the Government with reference to their titles.

Mr. President, if there are defects in this bill, the bill can be amended. I do not think that the defect which the Senator from Colorado [Mr. WELCOTT] has dwelt so much upon, and which I have referred to now, amounts to anything. I do not think that any change is required with reference to that matter. The bill has been worked upon industriously in the committee-room. It had its origin, as I am told, many years ago, and in its early history it was wrought upon by some of the ablest lawyers who ever came to the Senate. The bill was before the committee during the last Congress, and again during the present Congress. Every section, every sentence was industriously examined and

perfected with all the ability and industry that the committee could give to it.

We did not have in the committee-room the counsels of the Senator from Colorado. It is to be regretted that we did not have the benefit of his experience and his knowledge and his acquaintance with the country where the lands included in the grants are situated, and with the inhabitants. It was a surprise to me when I first heard that he had any objections to the bill. It was reported on the 28th of April. He had apparently acquiesced in all that was done in the committee-room. He has filed no adverse report, he has filed no other bill including his views, coming from him as a minority of the committee, and it was with surprise that I first heard that the objections existed which he has brought to the attention of the Senate.

I do not think, as I said before, that the objection just treated of is a valid one. If there are others the bill can be amended. The limitation as to time, as suggested by Senators who occupied the floor yesterday, can be very readily changed. As was said by the Senator from North Carolina, it was tentative, and we can easily extend the duration of the court so as to give all parties who have claims which need the aid and attention of the court all the time that justice and right require.

But, Mr. President, I do not think that the bill is subject to the severe criticisms which have been made with reference to it. I do not think it is unjust, unfair, and indefensible. I claim that it affords relief and assistance that are very much needed, according to the remarks which have been made by Senators living in that section of the country. It gives ample relief to all small holders who own not over 160 acres. In section 16 it is provided:

That in township surveys hereafter to be made in the Territories of New Mexico and Arizona, Wyoming and Utah, and the States of Colorado and Nevada, if it shall be made to appear to the satisfaction of the deputy surveyor making such survey that any person has, through himself, his ancestors, or grantors, been in the continuous adverse actual bona fide possession, residing thereon as his home, of any tract of land of not exceeding 160 acres in such township, for twenty years next preceding the time of making such survey, the deputy surveyor shall recognize and establish the lines of such possession and make the subdivision of the adjoining lands in accordance therewith.

And in section 17 a similar provision is made in cases where the townships have been surveyed. That section provides—

That in the case of townships heretofore surveyed in the Territories of New Mexico and Arizona, Wyoming and Utah, and the States of Colorado and Nevada all persons who, or whose ancestors or grantors, became citizens of the United States by reason of the treaty of Guadalupe Hidalgo, and who have been in the actual continuous adverse possession and residents of tracts of not to exceed 160 acres each for twenty years next preceding such survey, shall be entitled, upon making proof of such facts to the satisfaction of the register and receiver of the proper land district, and of the Commissioner of the General Land Office upon such investigation as is provided for in section 16 of this act, to enter, without payment of purchase money, fees, or commissions, such legal subdivisions, not exceeding 160 acres, as shall include their said possessions.

So, Mr. President, settlers on all these small bodies of land, not exceeding 160 acres in extent, occupying them under arrangements similar to our homestead laws, whether they originally had paper titles or whether they had not, those who have simply been in possession for twenty years or more, are protected without fee or expense or cost. The Government goes there and measures their land and sets it off for them, and where land has already been surveyed a similar provision is made. So, ample provision is made for all these poor people and these owners of small bodies of land who are actually living upon them.

Then, every holder of an imperfect title has his day in court, whether he has a large body of land or a small body; if he has got a concession or grant or survey or writing of any kind, no matter how imperfect, if it is such a title or such a showing as under the laws of Mexico, or under similar laws of this country, would entitle a citizen of this country to relief, he has his day in court and an opportunity for relief.

Then there is the fair and legitimate inference from the language of the bill that the holders of perfect titles, no matter how large, shall be recognized as the actual owners of the land included in their grants. They are not required to come into court. They are not required to present any documents or claims. They receive actual relief without any necessity of coming before the court at all. They are treated just as the United States Supreme Court has treated others in a like situation under the Florida law, as needing no help from the Government, no help from the legislative or the judicial departments of the Government.

Mr. WOLCOTT. Will the Senator permit me to ask him a question?

Mr. PASCO. Certainly.

Mr. WOLCOTT. The Senator's statement, supported by citations which he deems authority, is to the effect that perfected claims are not to be included in this act at all, whether they have been confirmed or not; that claims which are perfect and not confirmed are not intended to be included in this act. It is to those of us who think we know at least that district entirely immaterial or practically immaterial whether or not the bill excludes claims that are perfect and not patented, or whether it provides that parties having claims which are perfect but not confirmed may come before this tribunal and have them passed upon by a court or otherwise. Would the Senator as a member of the committee object to an amendment—I simply ask this so that I may know the opinion of the Senator—on page 17, where the fourth subdivision says:

Fourth. No claim shall be allowed for any land the right to which has hitherto been lawfully acted upon and decided by Congress, or under its authority.

Would the Senator object to a clause being added as follows?

Not any claims for lands which are complete and perfect, although they may not have been confirmed by Congress.

Would such an amendment not be in entire accord with the Senator's present interpretation of the bill as it stands?

Mr. PASCO. My objection to inserting anything with reference to those who have perfect titles is that it would seem to be casting a cloud upon titles which are already ample and full and which need no assistance from the Government. I would not feel that any benefit would be afforded me if the Legislature of the State of Florida or the United States Congress should pass a law allowing me to go into court to settle a title to land that I own and hold without dispute in my own State; and it seems to me that when a person has a perfect title, one that is so recognized by the Government, one that is so recognized by the Supreme Court, it is an injury rather than an advantage to him to throw open the doors of the courts and require him to come in and prove to be certain and correct and sufficient what has always been regarded as certain and sufficient and correct. The very act of opening the doors of the court in such a case would have a tendency to weaken and impair and cloud the title of the holder. That is the objection which I have to any legislation of that kind.

Mr. MORGAN. If it will not interrupt the Senator from Florida—

Mr. PASCO. Certainly not.

Mr. MORGAN. My difficulty has been, I will say to the Senator, in this case mainly that there is no definition either in the treaty or in this bill of what is a perfect and what is an imperfect title under the Mexican law. Can the Senator describe what is a perfect title under the Mexican law and give an illustration of it, and also what is an imperfect title and give an illustration, so that we may know what the committee means when these phrases are used? I wish to call the attention of the Senator to a fact in regard to it. I think it is not the custom of the Mexican Government to issue patent. I do not mean the general Government. I am speaking now of the state governments.

Mr. SPOONER. In any case?

Mr. MORGAN. The juridical possession under a grant in Mexico is a legal investiture of title and possession by operation of law, whether it is attended with actual occupancy or not. That juridical possession after it is made out by an alcalde is returned for record in the land office of the state at the capital of the state in which the land is situated where the grant comes from the state, and that record constitutes his title, not that a separate patent issued setting forth all of these facts. If I am correctly informed about it, that is the procedure by which a title is derived from the state governments of Mexico.

Now, will the Senator say that the record of the state government, where the title emanated from such a government, must show every fact that is necessary to a complete investiture under the Mexican law? Would that be a perfect title within the meaning of this bill? Then, if that is a perfect title, what is it that is an imperfect title? Is it the one that is merely defective in the fact that all the records have not been completed which would make up a perfect title, or is it one in which a part of the record has been completed and where the party having the grant has made what we would call an equitable compliance, a substantial compliance with the terms of the grant and its future conditions upon which the grant is to become complete as a juridical grant?

Mr. PASCO. Mr. President, it would be very presumptuous in me to attempt to give a full answer to such a question as that when asked by the Senator from Alabama, who we all know has so much learning in the law and who has had so much experience in matters of this kind.

The question of perfection is at last a question for the courts. The general idea of a perfect title is a title to land which has been separated by an act of the former government from the public domain and which the party is in possession of under a grant from the former government. That is the general idea of a perfect title. But it is at last a question in each case to be determined by the courts.

But with these perfect titles derived from the former government a party can go into court, he can defend himself, and he can protect himself; and if the title is perfect and the possession has been held under it, he needs no help from the Government in accordance with these decisions.

The imperfect titles, as a general rule, are those grants or concessions which are conditional, whose terms have not been complied with—the Senator enumerated a number of them the other day—where a man receives a body of land from the Government upon the promise that he would put a colony upon it, that he would feed a certain number of sheep or cattle upon it, that he would build a mill or something of that kind. Those are given in the books and in the decisions of the Supreme Court of the United States as illustrations of imperfect titles.

Parties who are in possession, such as are provided for in the sections which I just read (16 and 17), who have been allowed to enter upon lands as settlers under a general policy of the Government similar to our homestead laws, are holders of another class of imperfect titles which are referred to in some of the decisions of the Supreme Court of the United States; those persons are dependent upon the further favor

and assistance and help of the Government before they can have their titles perfected.

Mr. SPOONER. Does the Senator understand that under this bill this court is to have any jurisdiction whatever of an imperfect title as he defines it?

Mr. PASCO. That is its very purpose.

Mr. SPOONER. As I recollect the provisions of the bill, this court shall take jurisdiction only of those titles which upon principles of public law or in order to perfect the obligations of a treaty the party is entitled to perfect.

Mr. PASCO. These are the three classes that are enumerated in section 6: those "which at the date of the passage of this act have not been confirmed by act of Congress;" those which have not been "otherwise finally decided upon by lawful authority;" and those "which have not become complete and perfect." They are in a similar situation to those who file declarations of homesteads in our own General Land Office and comply with the terms of the homestead laws. Such titles are incomplete, inchoate, imperfect. Under the provisions of the treaty and under the provisions of this act such holders would be entitled to go and perfect their claims and receive their final patents or proofs of title from the Government.

Mr. REAGAN. Mr. President—

Mr. RANSOM. Will the Senator from Texas allow me?

Mr. REAGAN. I merely wish to make one observation. What, no doubt, raised the question in the mind of the Senator from Wisconsin [Mr. SPOONER] is the fact that the law takes for granted that we understand that the titles to be acted upon are those that had their incipency under the Mexican or Spanish Government, and which had not been perfected. That, I do not think, is specifically described in the bill, but the bill evidently takes it for granted that we do so understand. It is those titles which have had their incipency under the Spanish or Mexican Government and which were not perfected under those Governments.

Mr. PASCO. Does not the Senator think that the third description covers those "which have not become complete and perfect," and then the first paragraph of section 13, which says:

First. No claim shall be allowed that shall not appear to be upon a title lawfully and regularly derived from the Government of Spain or Mexico, and one that at the date of the acquisition of the territory by the United States the claimant would have had a lawful right to make perfect had the territory not been acquired by the United States, and that the United States are bound, upon the principles of public law, or by the provisions of the treaty of cession, to respect and permit to become complete and perfect.

Mr. REAGAN. The bill is more full than I thought it was.

Mr. RANSOM. Will my friend from Florida yield to me for a moment?

Mr. PASCO. With pleasure.

Mr. RANSOM. I ask the attention of the Senator from Alabama.

Mr. MORGAN. I am listening to the Senator.

Mr. RANSOM. The Senator from Alabama asks the Senator from Florida for his definition of an imperfect and of a perfect title. That is a question which very naturally and properly occurs to every Senator in the discussion of this bill, and if I am not mistaken I can relieve the mind of the Senator from Alabama, lawyer as he is, of all doubt upon that question—I mean of all doubt so far as the practical operation and effect of this bill are concerned.

As I stated yesterday, the jurisdiction clause in the bill before the Senate is substantially and almost literally the jurisdiction clause in the law of Congress creating what is known as the Louisiana Commission.

Mr. MORGAN. The act of March, 1805?

Mr. RANSOM. I am not certain as to the date, but I think it is March 30, 1805. I think it was afterwards amended, perhaps in 1818, but they are substantially the same, and I took the liberty yesterday evening, when the Senator from Alabama was addressing the Senate, of calling his attention to that clause as offered here by the late Senator from Florida, Mr. Jones.

Instead of undertaking myself to give a definition of an imperfect title or a definition of a perfect title, I will say to the Senator from Alabama that since 1805, assuming that to be the date of the act creating the commission in Louisiana, the Supreme Court of the United States and the courts of the different States made up out of the Louisiana purchase have repeatedly, time after time, declared what was a perfect title and what was not a perfect title, and I think it is safer for us now to stand by the adjudications and the definite judgments of the Supreme Court of the United States delivered in numberless cases than it is in this bill or in an act of Congress to undertake to define a perfect or an imperfect title, an incipient title—that seems to be the term that has caught the fancy of the Supreme Court, if I may say so, and Judge Miller, always with great significance, uses that term—I think it is much safer to take their adjudication of this question than to undertake to put it more fully in this bill.

The Senator, no doubt more familiar with many of these cases than I am, will find that sometimes it has been a very nice question for the Supreme Court to decide whether the title from the Spanish or the French Government required further action from this Government, or whether it was perfect in itself. I prefer myself—if my friend from

Florida will allow me to hold the floor for one second further—to say that I think it safer for Congress to stand upon those adjudications of the last eighty-odd years than it is to put in new terms in this bill, attempting to give a significance of definition to a legal expression which has had illustration after illustration from the courts of the States and from the Supreme Court of the United States.

Mr. PASCO. Now, Mr. President, with reference to this—

Mr. SPOONER. Will the Senator allow me a moment?

Mr. PASCO. Certainly.

Mr. SPOONER. I ask the attention of the Senator from North Carolina. I have listened attentively to his observations, and he will remember that when this bill first came for debate before the Senate I asked the Senator, as chairman of the committee having the matter in charge, to state succinctly the distinction, as he understood it, between a perfect and an imperfect title, stating to him at the time that as to a perfect title, as I understood it, I could not understand why Congress should impose any limitation upon a recovery.

That is to say, if a man had perfected his title by performing the conditions of a grant of 100,000 acres, and the court found it to be a perfect grant, if the concession was found to be made, if the limits of the grant were established and the conditions found to have been definite and to have been performed, upon what principle of justice does the committee ask the Senate to impose a limitation upon the amount of the recovery? The Senator informed me and informed the Senate, in reply to my interrogatory, that under this bill this statutory court, as I choose to term it, was not to have jurisdiction of perfected titles; that it was intended to confer upon this tribunal only jurisdiction of those inchoate, incomplete, or, to use the appropriate phrase used by the Senator from North Carolina, those equitable titles as to which—and if the Senator's statement of the law and the facts be correct, then his answer to me was complete—the condition not having been performed, the grant not being complete, it was at the option of the Government to enter for a condition broken and put an end to the entire grant, or as a matter of grace to allow so much of the grant as it chose.

Now, what I should like to ask the Senator is this: I understand the law to be as to a conditional grant, that the grant proceeding from the sovereign, it is for the legislative department of the Government to determine where the condition had not been performed whether it will enter for condition broken or will waive the condition. Is it intended by this bill to delegate to this tribunal to determine whether the condition not worked out shall be waived or enforced? In the case of a grant upon condition, the condition not having been performed, is it for the court to say or for Congress to say whether the party shall be permitted to perform the condition or not?

Mr. RANSOM. Mr. President, I presume of course I was not very clear, and it is not the fault of the Senator from Wisconsin, but it is my fault that he did not understand me. I may have used during the debate the word "grace," but I was not using it in reference to the court. Under this bill there is no grace to be exercised by this court. This court will have a well defined duty to perform, and that duty will be to determine upon the facts, conditions, and circumstances of the case whether according to the law of Mexico and Spain these claimants are entitled to have their grants completed or consummated. It is not left in the sky. Their duty will be well defined and bounded. They will have to say, as positively as it is possible for the law to speak, whether the circumstances of each particular case invest the claimant with the right to have his title consummated.

Mr. President, all that I meant to say to the Senator from Wisconsin and the Senator from Florida and the Senator from Alabama was that having had since 1805—for I am satisfied the Senator from Alabama has the date accurately—a long line of judicial decisions upon this very question, repeated over and over again under all the different circumstances under which these titles have grown up, I thought it was better for Congress to stand by and abide by well defined terms which have been understood and adjudicated by the courts than to attempt to add to them by new words or new phrases which might embrace something that ought not to be embraced or might exclude something that ought not to be excluded, that it would be safer for us to stand in this bill by the jurisdiction clause of the commission act affecting the Louisiana purchase.

Mr. PASCO. Mr. President, with reference to this question of perfect and imperfect grants, I call the attention of the Senate to a description of the different classes of grants as given by Mr. Gilpin, who was Attorney-General of the United States at the time, in the case of the United States vs. Wiggins, found on the three hundred and fortieth page of the fourteenth volume of Peters's Reports. It is in his brief as counsel in the case representing the Government. He says:

Grants of land in Florida by the Spanish authorities, so far as they have come before this court, appear to have been of three classes:

First. Absolute grants, in consideration of services already performed, which were made by the governors, in special cases, either by virtue of a special power recognized by the laws of the Indies (2 White's New Recopilacion, 38, 40, 53), or by the authority given in particular decrees, coming directly or indirectly from the sovereign, as in the case of the grants conferred upon Salas, Pausin, and Percheman, in reward for their services (2 White's New Rec., 290). The very nature of these grants forbids a limitation on the quantity, or on the consideration that might move them. They are recognized by this court in the cases of the United States vs. Percheman (7 Peters, 97) and United States vs. Clark (8 Peters, 453).

Second.—

This is an example of the imperfect grants—

Second. Grants in consideration of services to be performed, and deemed especially important for the improvement of the province. These do not seem to have grown out of any law or royal order, but were not infrequent for some years before the cession of Florida. They were established by usage, and recognized as lawful. (2 White's New Recopilacion, 286, 289, 290.) The services appear to have been of three kinds: The erection of saw-mills, factories, or mechanical works; the introduction and rearing of large numbers of cattle; and the establishment in particular places of large bodies of settlers. The titles to these were, in some instances, absolute on their face, and conveyed a present grant from their date, though coupled with conditions for the subsequent performance of the specified services; or they were mere concessions or incipient grants, securing a future absolute title, on the performance of the conditions.

Then he goes on to speak of the cases in which they are recognized, and says further on:

Third. But the great class of cases was that of gratuitous grants, in moderate quantities, for purposes of actual occupation and cultivation. To this class is applicable the general system of Spanish land law which existed in Florida and Louisiana; and the regulations embraced under it are as clear and distinct as those of the land laws of the United States. It is true, the grants were gratuitous, but the performance of the conditions annexed by the law was a consideration as explicit as the payment required by our laws.

Those, Mr. President, are instances of different kinds of grants. The first is the absolute title, the perfect grant. It needs no help from the Legislature. It is a weapon of attack or of defense that can be used in the courts as a means of obtaining possession when the holder is unlawfully ousted or as a means of resistance if his rights are assailed. The holder of such perfect and valid grant and title, as I have said before, needs no help from us, and no help is provided for him by the terms of this bill.

The purpose of the bill is not to try titles, not to decide whether they are valid or not, but it is to complete them, to perfect them. They had their origin in the days of the Spanish or Mexican occupation, and when they are incomplete and insufficient and not capable of being used as weapons of attack and defense in the courts, then the holder can come in under the terms of this statute and complete his title and obtain the patent of the United States if he satisfies the court that he has a just and meritorious claim.

Then, to repeat briefly what I said before, this bill protects small holders to the extent of 160 acres of land. It gives the holders of incomplete titles their day in court. It virtually says to the holder of the complete title that he needs no assistance from a court, and that Congress will not interfere at all with his rights or claims. The only persons who do not obtain complete relief are those who hold grants exceeding 11 leagues in extent, and it is claimed by Senators who have argued against the bill that such holders should also be provided for.

The Senator from Colorado has not made out a very strong case in behalf of claimants of this class who live in the Territory of New Mexico. He says that the land there is so poor that it can hardly support the cattle which graze upon it. He says it is even beyond the reach of the water of irrigation to bring it up to a state of cultivation; but this land is presumably of some value, and by the earnestness with which these claims have been pressed there is no doubt that much of it is very valuable. But whatever rights these parties have should be protected whether the land is valuable or not.

The question is to what extent they should be protected at the present time. They need no protection if their grants are perfect. If they are not perfect they have their day in court in this bill to the extent of 11 leagues. If they establish their claims they will be perfected to that extent and patents will be given to them. It is only to the extent in excess of 11 leagues that they do not get protection under this bill. They are not barred. The bill simply provides no remedy for them beyond the 11 leagues. It does not prevent Congress, after getting at the merits of these cases as they will be disclosed in the records when they are presented to the courts, from giving them relief hereafter to a further extent, which very likely will depend upon the merits of their several claims. But certainly, as has been well said by other Senators who have discussed this bill, these people get a very large benefit and advantage when they have their claims confirmed to the extent of 11 leagues.

It is a dangerous quantity of land to be given to any one person. It is against the policy of the Government that lands in very large bodies should be vested in individuals. Eleven leagues is nearly 50,000 acres of land. Some of these claims run up into the millions of acres. They are large enough for duchies or baronies. They are larger than some of the States of this Union, and it is wise for Congress to pause at the present time before giving the court unlimited authority to confirm all of these grants, no matter how large they may be.

It is wise to wait until these people have presented their cases, until they have made up their records, until their equities are known, and then it will be within the power of Congress at a later day, if it sees fit, to give further relief. As I said before, they are not barred beyond that extent. This bill simply gives them no remedy, but it should not be condemned for that reason. The bill is generous enough towards these holders. We are for the present doing enough for them, and it is not wise that we should at the present time give unlimited authority to the courts in respect to these large and enormous and dangerous claims.

Many of them are no doubt fraudulent. There is a great temptation to commit forgery when there is so much at stake. It is well known that in the history of claims of this class frauds have been committed, and it is no "infant industry," either; for the manufacture of fraudulent grants will be found by any one who studies this class of cases to have originated a great many years ago in the history of this country; the older the grant the more difficult it is to find out whether or not it is good and honest and valid.

Mr. PLATT. May I ask the Senator a question?

Mr. PASCO. Certainly.

Mr. PLATT. Suppose it should turn out in an investigation before the court that the claimant was just as much entitled to 100,000 acres as to 48,000, or 11 leagues, how is the court to determine where his grant is to be located? Is there anything in the bill which authorizes the court to determine where his 48,000 acres or 11 leagues are to be located?

Mr. PASCO. There is nothing further in the bill except the general powers of a court of equity which are given to this court. The bill is silent as to the mode of procedure in such a case.

But, as I said before, if these parties prove to the satisfaction of the court by their records that they are entitled to further relief, there is nothing to prevent Congress at any future day from giving it to them. It is the history of legislation of this class that there have been extensions of the power and authority and time in every case where such additional legislation has appeared to be necessary. But, as I said before, if holders of these large grants exceeding 11 leagues in extent shall prove to the satisfaction of the court by their record that they are entitled to relief, there is nothing to prevent Congress at any future day from extending it to them to the entire amount of their claims.

Mr. President, in view of all the benefits that there are in this bill, although it may not give ample relief to the satisfaction of everybody so far as all classes of claims are concerned, it seems to be eminently proper that it should pass.

It is stated by all those who know the history of the States and Territories in which these lands lie that some legislation is necessary, and here is a bill providing for a court, which gives jurisdiction in every class of claims except those holding these large grants, and there is nothing, as I said before, to prevent these parties from getting further relief hereafter. Having made this provision in harmony with the legislation which has been attempted in previous Congresses in years gone by, having brought the matter so near to a state of completion, I trust that the bill will pass, and that the amendment which has been offered and which is particularly under discussion will be rejected.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 5) for the relief of Bessie S. Gilmore;

A bill (S. 2781) to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes;

A bill (S. 3257) granting a pension to Mary Crook, widow of George Crook, late a major-general in the United States Army;

A bill (S. 3711) granting a pension to Ellen M. McClellan;

A bill (S. 4233) granting a pension to Jessie Benton Fremont;

A bill (S. 4375) to provide an American register for the steam-ship G. W. Jones of New York;

A bill (H. R. 2174) to remove charge of desertion from Ellery C. Folger;

A bill (H. R. 8247) to authorize entry of the public lands by incorporated cities and towns for cemetery and park purposes; and

A bill (H. R. 8943) to provide for the establishing of a port of delivery at Peoria, Ill.

HOUSE BILLS REFERRED.

The bill (H. R. 11928) defining certain duties of the Sergeant-at-Arms of the House of Representatives, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

The bill (H. R. 608) making an appropriation for the construction of new buildings and the enlargement of the military post at Plattsburgh, N. Y., was read twice by its title, and referred to the Committee on Military Affairs.

The bill (H. R. 11154) to repeal part of section 6 of an act entitled "An act to divide the State of Iowa into two judicial districts," approved July 20, 1882, was read twice by its title, and referred to the Committee on the Judiciary.

The joint resolution (H. Res. 214) extending the "Act fixing the rate of interest to be charged on arrearages of general and special taxes now due the District of Columbia, if paid within a time specified," to October 31, 1890, was read twice by its title, and referred to the Committee on the District of Columbia.

OKLAHOMA TOWN SITES.

The bill (H. R. 11627) to authorize the issuance of subpoenas for the attendance of witnesses before town-site trustees in Oklahoma was read twice by its title.

Mr. PLATT. I wish for the present that that bill may lie on the table. I should like to have printed in the RECORD, so that it may be seen by Senators to-morrow, a short letter from the Department of the Interior to the Speaker of the House of Representatives and a letter from the Assistant Attorney-General and a letter from the Secretary of the Interior to the chairman of the Committee on Territories of the House of Representatives, transmitting a letter from the governor of Oklahoma. They are very short, and I should like to have them printed in the RECORD.

The VICE-PRESIDENT. They will be printed in the RECORD, if there be no objection.

The letters referred to are as follows:

DEPARTMENT OF THE INTERIOR, Washington, July 28, 1890.

SIR: The act to provide for town-site entries of land in what is known as "Oklahoma," and for other purposes, approved May 14, 1890, fails to confer any power upon the boards of trustees to issue subpoenas for the attendance of witnesses before said boards or to provide any penalty for refusal of any witness to obey such subpoena.

Deeming that it is essential to the success of the labors of the respective boards that such power should be conferred, I beg leave to lay before the House of Representatives the opinion of the Assistant Attorney-General assigned to this Department upon the subject, and the form of a bill authorizing the issuance of subpoenas in such cases, and request that early action may be taken thereon.

Most respectfully,

JOHN W. NOBLE, Secretary.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

DEPARTMENT OF THE INTERIOR, Washington, July 25, 1890.

SIR: A letter dated July 18, 1890, from Winfield F. Smith, of Guthrie, Oklahoma, and addressed to you, calls attention to the necessity of conferring authority upon the boards of town-site trustees in said Territory to issue subpoenas for the attendance of witnesses in cases that may come before them. This letter you referred to me with the request that you should be advised as to whether under the Oklahoma town-site laws or other United States statutes the said town-site trustees have the power to compel the attendance of witnesses, and if no such authority now exists to prepare a bill will give such power to said boards.

In response to your reference I have the honor to report that under the law as it now stands the boards of town-site trustees are without authority to compel the attendance of witnesses, and that I have in accordance with your request prepared the draught of a bill, submitted herewith, which is intended to confer upon said boards the requisite authority to secure the presence and testimony of witnesses in proceedings that may be pending before them in their official capacity as trustees.

Respectfully,

GEO. H. SHIELDS,
Assistant Attorney-General.

To the SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR, Washington, August 25, 1890.

DEAR SIR: I beg leave to place before you a portion of a letter just received by me from the governor of Oklahoma, as follows:

"While I know you desire to do all you can for the best interests of your Department, I trust you will not think it out of place for me to remind you of the great importance it is to the citizens in this Territory that your recommendation that compulsory process may be issued by the various town-site boards for witnesses becomes a law; otherwise it is going to be impossible, in many cases, to arrive at any equitable conclusion.

"A case in point: I heard a very respectable man say to-day that he could tell exactly when a certain party arrived in Guthrie, but he was not going to appear before the board and make an enemy of him in a matter he had no personal interest in; that there was no compulsion, and he could better be out of the city. There are numerous similar instances to my knowledge."

Yours, truly,

JOHN W. NOBLE, Secretary.

HON. ISAAC S. STREUBLE,
Chairman of the Committee on Territories, House of Representatives.

Mr. PLATT. Let the bill be printed.

The VICE-PRESIDENT. The bill will be printed and lie on the table.

MISSOURI RIVER BRIDGE IN BOONE COUNTY, MISSOURI.

Mr. VEST. I am about leaving the city and I should like to secure the passage of a bridge bill. That is about the only matter that detains me here. I ask unanimous consent to call up Order of Business 2098, Senate bill 4395.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4395) to authorize the construction of a bridge across the Missouri River at some accessible point in Boone County, Missouri.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was, in section 1, line 3, after the word "Springfield," to strike out "Railway" and insert "Railroad;" so as to read:

That the Chicago, Hannibal and Springfield Railroad Company, an incorporation organized under the laws of the State of Illinois, its assigns or successors, is hereby authorized to construct and maintain a bridge across the Missouri River at such point as may be hereafter selected by said corporation between the towns of Providence and Rocheport, in the county of Boone, in the State of Missouri, etc.

The amendment was agreed to.

The next amendment was, in section 2, line 9, after the word "location," to strike out "the topography of" and insert "the high and low water lines upon;" in line 10, after the word "river," to strike out "the shore lines at high and low water" and insert "the direction and strength of the current at all stages of the water, with the soundings accurately showing the bed of the stream, and;" and in line 14, after the word "bridges," to insert "such map to be sufficiently in

detail to enable the Secretary of War to judge of the proper location of said bridge;" so as to make the section read:

SEC. 2. That said bridge shall be constructed and built without interference with the security and convenience of navigation of said river beyond what is necessary to carry into effect the rights and privileges hereby granted; and in order to secure that object the said company or corporation shall submit to the Secretary of War, for his examination and approval, a design and drawing of the bridge and a map of the location, giving, for the space of 1 mile above and 1 mile below the proposed location, the high and low water lines upon the banks of the river, the direction and strength of the currents at all stages of the water, with the soundings accurately showing the bed of the stream, and the location of any other bridge or bridges, such map to be sufficiently in detail to enable the Secretary of War to judge of the proper location of said bridge, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and until the said plan and location of the bridge are approved by the Secretary of War the bridge shall not be built.

The amendment was agreed to.

The next amendment was, in the proviso to section 2, in line 23, before the word "feet," to strike out "fifty" and insert "fifty-five;" in line 25, after the words "shall the," to strike out "channel span" and insert "spans;" in line 26, after the word "length," to strike out "nor shall the other spans be less than 300 feet in length;" and in line 30, after the word "river," to insert "and said company or corporation shall maintain, at its own expense, from sunset to sunrise, such lights or other signals on said bridge as the Light-House Board shall prescribe;" so as to make the proviso read:

Provided, That the said bridge shall be made with unbroken and continuous spans, and shall have three or more channel-spans, and shall not be of less elevation at any point than 55 feet above high-water mark, as understood at the point of location, to the lowest part of the superstructure; nor shall the spans of said bridge be less than 400 feet in length, and the piers of said bridge shall be parallel with the current of said river, and the main span shall be over the main channel of the river, and said company or corporation shall maintain at its own expense, from sunset to sunrise, such lights or other signals on said bridge as the Light-House Board shall prescribe.

The amendment was agreed to.

The next amendment was, in section 5, line 2, after the word "way," to insert "across said bridge and approaches," and in line 3, after the words "telegraph lines," to strike out "across said bridge;" so as to make the section read:

SEC. 5. That the United States shall have the right of way across said bridge and approaches for such postal and telegraph lines as the Government may construct or control.

The amendment was agreed to.

The next amendment was, in section 7, line 4, before the word "act," to strike out "said" and insert "this;" so as to make the section read:

SEC. 7. That this act shall be void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from the date of the approval of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

UNITED STATES LAND COURT.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1042) to establish a United States land court, and to provide for the settlement of private land claims in certain States and Territories.

Mr. MORGAN. Mr. President, I have been very anxious indeed to support this bill. I have tried every way I could to reconcile myself to it. I am unable to do so after listening to the arguments of gentlemen who have addressed the Senate upon it so frequently and so ably. I think that perhaps there is no more imperative duty resting upon the Senate at this session of Congress than to pass some bill in regard to this very vexed question. It ought to be provided for. We have been nearly fifty years at it, and we have not got a law yet in regard to the particular territory we are speaking of which amounts to anything.

I notice that the general framework of this bill is upon the analogies, to say the least, of the statute of 1805 to carry into effect the land grants in Louisiana made under the French and Spanish occupancy of that country before the year 1800. There was a particular fact of history in that connection which ought to be kept in mind. After the treaty of purchase of Louisiana was made, and also later in the Florida arrangement of 1818, I think, it was ascertained that there were a great many grants that had been antedated and that pending the negotiation the treaty related back to a certain time when the jurisdiction was changed from one Government to the other, and that question was pending. The Spanish Government had issued grants to various people which were considered in fraud of the treaty rights of the United States, and both this act of 1805 and the act referred to by the Senator from Florida had reference to the frauds which might be practiced under that abuse of treaty rights, and were leveled against that.

There were two classes of claimants in Louisiana, those who had an incomplete title, a title that had been by grant made honestly by the French or Spanish Government anterior to the year 1800, but had not been completed as to all its conditions, and then there were titles acquired by occupancy or by possession of American citizens after the year 1800.

A commission was organized consisting of three persons under the fourth section of the act of 1805 to adjudicate these questions of title, and that commission had certain specific powers which are not found in this proposed act in regard to the adjudication of what were termed incomplete titles. The first section of the act of 1805 provides—

That any person or persons, and the legal representatives of any person or persons, who on the 1st day of October, in the year 1800, were resident within the territories ceded by the French Republic to the United States by the treaty of the 30th of April, 1803, and who had prior to the said 1st day of October, 1800—

You see the treaty was in 1803, and this act of Congress goes back to the year 1800, three years anterior, so as to cut off fraudulent transactions pending the negotiation of the treaty—

who had prior to the said 1st day of October, 1800, obtained from the French or Spanish Governments respectively during the time either of the said Governments had the actual possession of said territories any duly registered warrant or order of survey for lands lying within the said territories to which the Indian title had been extinguished, and which were on that day actually inhabited and cultivated by such person or persons, or for his or their use, shall be confirmed in their claims to such lands in the same manner as if their titles had been completed.

There is a statute which draws a plain distinction between a title that is incomplete and one that is complete by statutory enactment and definition. Now, here is the proviso:

Provided, however, That no such incomplete title shall be confirmed unless the person in whose name such warrant or order of survey had been granted was at the time of its date either head of a family or above the age of twenty-one years, nor unless the conditions and terms on which the completion of the grant might depend shall have been fulfilled.

That is a plain statute; you would suppose there would be no trouble about interpreting that law, and the decisions which have been quoted here so frequently are based upon that plain provision of the act of 1805, showing clearly the distinction between titles that are incomplete and titles that are complete, the distinction itself being described and mentioned and stated with exactness in the body of the statute.

The next section relates to grants to actual settlers of land occupied by them with the permission of the proper Spanish officer and in conformity with Spanish usages, etc., and those grants are to be confirmed upon a different basis. They were possessory titles merely, titles by mere occupancy, and not under any special grant.

The fourth section provides for a registration of incomplete grants and also of completed grants, and it provides that if an uncompleted grant is not registered in the office of a certain recorder within a certain time the grant is to be forfeited. There is a proviso to the fourth section which I shall read:

Provided, however, That where lands are claimed by virtue of a complete French or Spanish grant as aforesaid it shall not be necessary for the claimant to have any other evidence of his claim recorded, except the original grant or patent, together with the warrant or order of survey, and the plat—

That is all he had to do to make the record complete—

but all the other conveyances or deeds shall be deposited with the register or recorder, to be by them laid before the commissioners hereinafter directed to be appointed, when they shall take the claim into consideration. And if such person shall neglect to deliver such notice in writing of his claim, together with a plat as aforesaid, or cause to be recorded such written evidence of the same, all his right, so far as the same is derived from the two first sections of this act, shall become void and forever thereafter be barred; nor shall any incomplete grant, warrant, order of survey, deed of conveyance, or other written evidence which shall not be recorded as above directed ever after be considered or admitted as evidence in any court of the United States against any grant derived from the United States.

Section 5 provides for the appointment of two commissioners and one of the judges there, who shall constitute a commission for the decision of these land titles.

Now, it is perfectly obvious that decisions predicated upon a statute like that can not be held to determine what is meant by, or the length, depth, height, width, or breadth of, a measure like this. They are entirely different.

Before proceeding to try to illustrate that difference more completely, I wish to call attention to a decision of the Secretary of the Interior made in the Myra Clark Gaines case. I will read an extract from his decision:

The Secretary of the Treasury, 30th March, 1805, referring to the act of 1805, in his instructions to J. W. Gurley, esq., in transmitting him his commission as register of the land office of the eastern district of Orleans, which included all that part of the territory east of the Mississippi, with all the parishes lying on the west bank and bordering on the same, and including the Fourche, remarked as follows:

"For the present I will call your attention only to one part of the law. It is enacted by the fourth section that persons claiming lands by virtue of legal French or Spanish grants made before the 1st of October, 1800, may file a notice of their claim with the register; but that persons claiming either under the first two sections of the act or under incomplete titles shall do it under penalty of their claim being forever barred.

"You will easily perceive that the distinction is drawn from the different nature of the claims; that the first species is considered as already established and not wanting any confirmation from the Government of the United States; but it is necessary that the people should be also made to understand it; that they should know that it is not intended to disturb their rights founded on legal grants, and that the object of that first paragraph is merely to enable them to have their grants recorded in an American office, if they shall think it expedient, and to prevent the possibility of the United States selling through mistake lands which have already been legally granted.

"It is true that persons claiming lands under complete grants dated after the 1st of October, 1800, are included in the same class with persons who claim under incomplete titles, and that there may exist some cases in which such grants are not confirmed by the first two sections of the act of 1805."

Whoever will go to the General Land Office here and search it, as I have had occasion to do—for as a member of a committee of this body it was my duty to do it—will find there a large number of grants claimed under the treaty of 1803 in favor of citizens of Louisiana that are as yet undecided. No provision of law has been made for their decision. The grants stand as claims against the United States Government. That is the way they are treated in the Department upon the record, as claims against the United States Government; and there are hundreds of them that have never yet been adjudicated by the Interior Department, and no court has had jurisdiction to dispose of them.

Many of those are valid grants under the act of 1805, and, notwithstanding the provision that is made for commissioners to decide upon the validity of those grants, they still remain undecided. Why so? It is because they were not of the particular description mentioned in the act of 1803. They did not have all of the incidents and qualities that are defined and specified in that act. Hence those commissioners did not have jurisdiction to decide them.

Mr. President, there has not been a uniformity of rulings that all the grants which were valid under the treaty of 1803 stand upon their own merits and are considered valid and are treated as valid by the courts, for it must be remembered that in that case, as in this case, the grants thus claimed are not urged against private individuals liable to be sued, but they are urged against the United States Government.

Take the treaty of Guadalupe Hidalgo. What was the situation of the territory we acquired under that treaty and under the Gadsden treaty the very moment of the proclamation of the ratification of those treaties? It was that the United States Government owned in its own right under those treaties every foot of land acquired by them that was not covered by a valid Spanish or Mexican grant, either complete or incomplete. The United States Government has always acted upon that idea, and the Secretary of the Interior has not hesitated to send out and have surveyed any portion of that domain which did not have resting upon it a grant that he himself was disposed to recognize as being valid, and he has disposed in this way to that extent of various claims originating under the Mexican law, I say without rhyme or reason, I say without an adjudication, I say by a summary proceeding. It is true he has not injured the title to any extent, because he had no power to do it; but the possessory right and all that relates to surveys and possession and the right of fencing and the like, including the right of pasturage upon those lands, he has decided upon the theory, which is a correct one, that all the lands that were not covered by completed land grants derived under the Mexican Government at the moment of time when those treaties were proclaimed went to the United States and became their property, and whoever claims one of these grants claims it under the laws of Mexico, through the treaty, against the United States. That is his claim, for if the United States Government concedes his right that establishes his title. Then the question between him and somebody else who may be upon that land is a question of local law. But the title, the monument, that which in the judgment of the law upon the face of the papers is a complete and perfect title, is established or not established by the assent of the Government of the United States in the first instance.

Now, here is a man with either a grant from the State of Sonora or a grant from the general federal Government of Mexico made upon conditions subsequent. He takes all the legal steps that are necessary to give him the first possessory right to these lands. First he makes his application under whatever law it is, whether it is an *empresario* grant, whether it is a grant for herding cattle and sheep, or whether it is a grant for agriculture, for the colonization of people upon the land, or for any other purpose. He makes his application, and he says, "I want whatever land the laws of this State or this Government allow me in a certain territory up here to be granted to me upon condition that I do this particular thing, colonize it with people, herd it with cattle or sheep, or some other thing."

The party to whom he makes the application issues to him upon that application a warrant of survey. He takes that with his surveyor and the witnesses and he goes and marks off the boundaries of the land that he wants to enter, confining himself as near as may be, but in an awkward, rude way usually, to the amount of land that the Government says he may have under such a grant. He sits down, after having made his survey, with his witnesses and he makes up the *descripcion*, he makes up the survey. He takes that to the proper land officer or to the alcalde, and they make their report. They swear to it. The alcalde or the proper officer thereupon certifies that this man is entitled to juridical possession of that land. The conditions subsequent are to be performed in the future.

Now, I will suppose that all these things had been done a month, six weeks, or two months before the treaty of Guadalupe Hidalgo was signed and proclaimed. We took that Mexican citizen and that territory with his preliminary proceedings all regular and right, and, if the Government had not been compelled to surrender that land to the United States at the end of a war, he was going on in good faith to comply with all the conditions subsequent. If it was an *empresario* grant he was going to have his people there; if it was a cattle grant he was going to have his cattle and sheep there; he was going to live upon it or have his agent live upon it until such time as he would be entitled

upon further proof of a full compliance to a certificate that all these conditions had been complied with.

But the Mexican Government was very loose about requiring the certification of the performance of these subsequent conditions. In nine cases out of ten in regard to all of these grants you may search the records of those States and of the federal Government and you will not find one case in ten, perhaps not one in a hundred, where the final certification of the man's full compliance with all the conditions subsequent has been made; and it really is not an essential of the title.

Here is a man who six weeks before the treaty of Guadalupe Hidalgo went through all this formula with due and legal regularity and took his land, was admitted to juridical possession. He was there and we found him there, our citizen, when that treaty was made, and it was our land except so far as it was affected by his rights under the Mexican law. The Government of the United States did not have the policy of having herds of cattle upon these great pasture grounds; it did not have the policy of having a colonization of people upon these places; it did not have the policy of giving to these respective colonists a certain amount of land because they went there, and of giving by way of premium to the *empresario* a certain amount of other land lying outside of the colony or adjacent to it as a fee or reward for having these colonists upon that land. We had no such policy as that. Our policy was quite different.

Now, what is the law in regard to a condition of affairs like that? The Government of the United States finding itself in possession of the jurisdiction and sovereignty over this land, not having a policy in conformity with that of Mexico, it has been said here frequently defeats the condition subsequent and makes the grant perfect. Yet when you go back to the Mexican law and read through it you can not find the evidence upon the record of a perfect grant; you have got to come down through the treaty; you have got to discuss and apply the policy of the United States Government; you have got to determine that that policy has relieved the party from compliance with the condition subsequent, and therefore has made the grant perfect. All these things are to be ascertained; and yet that is not a complete title under the Mexican law. That is described here as being an incomplete title, if anything is described as an incomplete title. It is not a complete title.

Here we come in and try to provide for it. We want to make a law providing for this condition of affairs and relieving these people from these embarrassments, and to relieve hundreds of thousands of others who never had a scrap of paper in the world to show that they were entitled to one foot of land, and yet they and their ancestors have been living on it for one hundred and fifty years. We have got to do something to relieve these people. We can not take them as citizens of the United States and rob them of whatever rights they would be entitled to under the Mexican laws. We have got to find out what those laws are, what the equities are between the Government and the citizen, and we must make some provision to discharge our obligation and protect that ownership and not turn these poor people out.

We have a proposed statute here which says that this statutory court shall have jurisdiction of certain cases. What are they? Incomplete titles, and no other, for if a title is complete, according to the language of this bill, the court has no jurisdiction. It is a question of power on the part of the court. Now, let us see whether that is treating the citizens out there with justice or not. A man has been in possession of a Spanish grant for a number of years. He has looked back upon the records, and he has seen that at the time the treaty of Guadalupe Hidalgo was proclaimed his title was complete in all the legal preliminaries, but incomplete as to the conditions subsequent, and the Government of the United States had discharged the necessity of his making it complete in that particular. He must come into a court and show such a case as that he has not got a complete title; that is, a valid title, valid in law, for if his title is admitted in law it is complete enough, whether the forms have been complied with or not. A complete title means a valid title.

Mr. HOAR. Where does the statute say it must be complete?

Mr. MORGAN. I am talking about this bill.

Mr. HOAR. I do not find that in the bill. I have looked for it. I did not know but that the Senator might know where it was.

Mr. MORGAN. I could show it to the Senator in a minute if I had the bill before me.

Mr. HOAR. Here is the bill. Here is section 6.

Mr. WOLCOTT. In regard to what provision does the Senator inquire?

Mr. HOAR. I ask where there is anything in the bill that speaks of complete or incomplete titles.

Mr. WOLCOTT. Section 6, page 7.

Mr. HOAR. Just look at section 6 and see.

Mr. WOLCOTT. That is all that does touch it except at the bottom of page 17, the fourth subdivision. Those are the only two clauses that describe the grants to be passed upon.

Mr. HOAR. I understood the Senator to say there was a good deal of distinction. It is the confirmation of a grant, concession, or warrant. It speaks of nothing else.

Mr. MORGAN. That is all that this bill proposes to do. This bill deals

with nothing in the world but naked title between the Government and individuals. It does not settle private rights between individuals. They are not settled. This is a bill to settle the question of title between the United States and claimants, as I have frequently said, and it authorizes a suit by the United States, which means a suit of the United States Government, to determine this question. The jurisdiction of the court is confined in this way:

Sec. 6. That it shall and may be lawful for any person or persons or corporation, or their legal representatives, claiming lands within the limits of the territory derived by the United States from the Republic of Mexico and now embraced within the Territories of New Mexico, Wyoming, Arizona, or Utah, or within the State of Nevada or Colorado, by virtue of any such Spanish or Mexican grant, concession, warrant, or survey—

"Of survey," that ought to be, not "warrant, or survey"—

Any such Spanish or Mexican grant, concession, warrant, or survey as the United States are bound to recognize and confirm by virtue of the treaties of cession of said country by Mexico to the United States which at the date of the passage of this act have not been confirmed by act of Congress, or otherwise finally decided upon by lawful authority, and which have not become complete and perfect.

In every such case a petition in writing will confer jurisdiction upon the court.

Mr. HOAR. Will the Senator allow me to interrupt him? I should like to have his judgment upon one point. If the Senator will take section 6, which he has just been reading, the provision of the section is that it shall be "lawful for any person claiming lands," not claiming a title or anything of that kind, "by virtue of any such Spanish or Mexican grant, concession, or warrant," which has not been confirmed, which Congress is bound to confirm by treaty. There is nothing in the bill which requires in words the court to deal with titles inchoate or complete or otherwise. In substance it is that if the United States is under obligation to pass certain laws making a grant, whatever creates that obligation, then the court is to do so, it is to confirm. Now, the point of this distinction, if there be anything in it, which I wish to call to the attention of the learned and able lawyer who is now addressing the Senate, the Senator from Alabama, is how can we impose on the Supreme Court of the United States as a final arbiter the duty of inquiring whether Congress ought to legislate on the subject? We can impose upon them the duty of rendering judgment on the title.

Mr. MORGAN. The Senator from Massachusetts has not read the section in the light in which I understand it at all.

Mr. HOAR. That is what I want to hear. I want to see whether that is the true light or not.

Mr. MORGAN. The language of the section is—

Concession, warrant, or survey as the United States are bound to recognize and confirm by virtue of the treaties of cession of said country by Mexico to the United States—

That does not say "by Congress"—

which at the date of the passage of this act have not been confirmed by act of Congress or otherwise finally decided upon by lawful authority.

Mr. HOAR. In other words, my inquiry is this: The United States have engaged with Mexico to make certain legislative grants in the future.

Mr. MORGAN. No; not that.

Mr. HOAR. That is all this confirmation applies to.

Mr. MORGAN. No; it is to confirm grants that have been heretofore made by Mexico.

Mr. HOAR. That is the same thing. It is an act of legislation.

Mr. MORGAN. No.

Mr. HOAR. If a man has got a complete title, I heard the Senator just say, then the court has nothing to do with it. If a man has not got a complete title what he lacks is a legislative grant, which we agree to make. Now we refer him to the court to establish whether we ought under the circumstances of law and equity to grant this land, the title of which is now otherwise in us. How can that be made a judicial question? Is my inquiry.

Mr. MORGAN. It is made a judicial question by this bill.

Mr. HOAR. I understand that, but by the Constitution of the United States?

Mr. STEWART. Will the Senator let me answer?

Mr. MORGAN. No, I will answer.

The PRESIDING OFFICER (Mr. CULLOM in the chair). The Senator from Alabama has the floor.

Mr. STEWART. I was going to refer the Senator to a decision.

Mr. MORGAN. As I understand the drift of the idea and question of the Senator from Massachusetts, it is that our duty in this particular is a legislative duty, and that by this bill probably we are transferring this legislative authority to this commission; but after all that amounts to legislation and no more; that it is the consent of the Government of the United States and the perfectness of the title that has been conferred by that completed or incomplete act originated before the treaty of Guadalupe Hidalgo.

Now, I am looking at this as if it were a court, for evidently it is. It is bound to be a court. Otherwise you could not get an appeal from this court to the Supreme Court of the United States. You can not take an appeal from any legislative tribunal. But if this is intended to be a court—and there is where I think the difficulty is—it is intended to be a court of very limited jurisdiction, with another unfortunate

circumstance about it, and that is that it shall expire in four years, when everybody who has listened to this debate must understand that it will take ten or fifteen years to finally dispose of all these cases. There is no doubt about that, I think. But, it is intended to be a court.

Mr. STEWART. Will the Senator from Alabama allow me to interrupt him a moment? I can not refer to the exact decision, but this very question was brought up in a California case, because all those cases, or a large number of them, went through the courts, and they held that the court constituted a special tribunal in the nature of a committee, and that Congress had power to carry out its treaty obligations in that manner, and refer the cases to the Supreme Court or to any court to carry out the treaty obligations.

Mr. MORGAN. Mr. President, I do not dispute that the Congress of the United States has a right to organize a commission to dispose of these matters if it chooses to do so.

It did authorize the surveyors-general to make surveys and really to confirm titles, and we can authorize this court, or so-called court, to do it if we choose. But that does not meet the proposition as to what we ought to do. How far ought we to spread the jurisdiction? That is the question in this case. Ought we to limit it to cases where the title is incomplete or ought we to say to this court, "Take the whole subject, take any man's case who comes, decide it for him or decide it against him, but let your decision be final of his rights," and then compel every man to go there and bar him out by a short statute of limitations if he does not go? This last is my view about what this bill ought to be, and my objection to it is just this:

I go into the court, and being compelled to take the risk myself of deciding without the assistance of the court what my title is, whether it is complete and perfect, being compelled by this bill to take the whole risk of that question, I make up my mind and I go into court, and I say to the court, "Here is a title that upon the advice of counsel I think is incomplete. It is valid, it is honest, and I have been in possession of it for many years with very little intrusion. Sometimes a man would come upon me and worry me, but I want this matter settled. The adverse claimant to me, so far as the question of simple, naked, pure, title is concerned, is the Government of the United States. I do not regard these people around me who may be intruders. Congress has not undertaken to deal with my rights and the rights of some other individual citizens around me. Congress has undertaken to decide between me and the Government of the United States, whether I have got what would be called a good title or an incomplete one. I am advised by counsel that my title is in some respects incomplete in legal formality, in the legal requisites, but I have got this equity, I have got that equity, and that other equity, and any one of them is quite sufficient to give me in equity a title as against the Government of the United States. But still my title is incomplete; my lawyers so advise me." The court looks over my papers and says, "We must first ascertain whether that title is complete or incomplete before we have any jurisdiction. In looking at your papers we find that your lawyer is mistaken and that you have got a complete title; we turn you out of court. You have got no right to a remedy here, because you have a good title. We can not decide anything for you. We have no jurisdiction. Our jurisdiction is made to depend upon the incompleteness of your title, and when we find it is complete we have no power. You must go to some other court or some other tribunal; we turn you out and you must take the chances."

Those judges' opinion may be a very good one or it may be a very bad one, for many a decision has been made on a bad opinion which stands notwithstanding it is a bad opinion and a bad decision; it stands because of the authority and right of the judiciary to settle questions, to make a finality of litigation.

Now, that is an unfortunate situation, and I can not see the justice of requiring that settler first to determine in his own mind that he must admit he has no legal title, that he has no actual title that binds the Government of the United States before he goes in, and when he gets in there the court says, "We reject the jurisdiction because we find that you have a good title."

That will not do. That is not proper legislation. The court that deals with these questions ought to have the right to decide upon every phase of the title, and in deciding to make a final adjudication, and let that be an end of it. That is all I want to see introduced into this bill. I want the terms of these judges to be for a longer period; at least I want the powers of the court to exist for more than four years; I do not think that is enough. However, we might remedy against that some time later on, if it shall be found that the court is not going to complete its business, as everybody must see it can not, within that period of time.

Here is a multitude of questions. A more vexed and entangled situation was never presented to the contemplation of a legislator than the condition growing out of Mexican land grants in these great sweeps of territory. There is not any problem connected with the Government of the United States that is so intricate, that is so filled with misfortune, if we make a blunder here, to people who are not able to help themselves. I believe when we are legislating we ought to have an especial care of those people who can not help themselves. You pass

this law here and it will be two years or three years before a great many of those people will ever find out it is on the statute-book. People living in those little Mexican villages about on the Rio Grande and other places far remote will be a long time in finding out what provision has been made for them, and where to go for relief, and what to do. They should have a court there that can give relief to any man who has a good claim based upon prescription, as we recognize the doctrine of prescription, or upon any statutes of the United States of limitation, or based upon any equities growing out of the Mexican land-grant system. If he has got a good claim let us furnish him a court to settle it.

The objection against this, the only one that I can understand, is that perchance some fraud may get the sanction of this tribunal. After all the provision we make for appeal, for a new trial, really in the Supreme Court here, if the judges see proper so to order it upon the facts, after all the laborious provisions we make in this bill for the sake of preserving the just rights of everybody, the Congress of the United States is to be alarmed out of its propriety upon the idea and the only idea that the judges we are to appoint are to become the mere tools of intriguing men to administer fraud and corruption instead of justice. I do not believe that; I do not fear it.

I should be more afraid even of this Senate than I should of those judges, because the Senate has not got the opportunity of understanding the facts, and there is no human being who can draw a line of distinction and discrimination between these different classes of cases out there and fail to inflict some hardship and some injustice. It is a case over which the powers of the courts of equity ought to rest and prevail, and the judges ought to be permitted in every different case to take the recognized powers of courts of equity and apply them to the decision of the rights of the parties.

So I can not vote for the bill in the strict and narrow form in which it is presented. It seems to be a bill merely to prune off and lop off every possible opportunity for the commission of fraud, and yet you measure the fraud by 11 leagues. You can commit just as big a fraud inside of 11 leagues as you can inside of a thousand. The 11-league grants are just as apt to be fraudulent as the 30-league grants or whatever they may be. It is not the size of the grant at all; that has not anything to do with it; and for us to undertake to cut down the power of the court to administer relief to a certain important area of land amounts to nothing so far as meeting fraud is concerned. That is not the way to do it. The way to do it is through the powers of a court of equity. It is to do it through the all-prevailing sense of justice that we recognize as belonging to our judicial system and the great right of appeal to the Supreme Court of the United States. That is enough. When a man gets that, he gets all we can give him, and he ought to be satisfied, even though he is defeated in his claim.

For that reason, Mr. President, I can not support this bill as it is, and I am very sorry I can not do it, for I should like to concur with this committee. It is a great committee, but I think it has gone over this question and has studied it and has trimmed around it and has been confronted with such clamors about frauds in land grants that it has been driven to an expedient that is unwise, an expedient of legislation to destroy fraud when you can not destroy it in that way. The thing you have got to do is to prune it out through the powers of a court of equity, and after you have done that then you will have some idea that you are doing about right.

EXECUTIVE SESSION.

Mr. FRYE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened, and (at 5 o'clock and 42 minutes p. m.) the Senate adjourned until to-morrow, Saturday, September 27, 1890, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate the 26th day of September, 1890.

ENVOYS EXTRAORDINARY AND MINISTERS PLENIPOTENTIARY.

E. Burd Grubb, of New Jersey, to be envoy extraordinary and minister plenipotentiary of the United States to Spain, *vice* Thomas W. Palmer, resigned.

Edwin H. Conger, of Iowa, to be envoy extraordinary and minister plenipotentiary of the United States to Brazil, *vice* Robert Adams, jr., resigned.

TERRITORIAL JUDGE OF PROBATE.

Lewis B. Kinney, of Utah Territory, to be judge of probate in Sevier County, in the Territory of Utah. His term expired September 25, 1890.

UNITED STATES ATTORNEY.

Fremont Wood, of Idaho, to be attorney of the United States for the district of Idaho, as provided by act approved July 3, 1890.

REGISTER OF THE LAND OFFICE.

Oscar Palmer, of Grayling, Mich., to be register of the land office at Grayling, Mich., *vice* James K. Wright, to be removed.

RECEIVER OF PUBLIC MONEYS.

S. Perry Youngs, of Stanton, Mich., to be receiver of public moneys at Grayling, Mich., *vice* E. Nelson Fitch, to be removed.

INDIAN AGENT.

Isaac A. Beers, of Arcata, Cal., to be agent for the Indians of the Hoopa Valley agency in California, to fill an original vacancy.

POSTMASTERS.

Prelate D. Barker, to be postmaster at Mobile, in the county of Mobile and State of Alabama, in the place of Leslie E. Brooks, whose commission expired June 18, 1890.

Samuel Mullen, to be postmaster at Bessemer, in the county of Jefferson and State of Alabama, in the place of Thomas J. Bayly, deceased.

John R. Palmer, to be postmaster at Westport, in the county of Fairfield and State of Connecticut, in the place of George F. Thorpe, removed.

Adam D. Rike, to be postmaster at Thomasville, in the county of Thomas and State of Georgia, in the place of Joseph P. Smith, removed.

Albert C. Hotchkiss, to be postmaster at Adel, in the county of Dallas and State of Iowa, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

Valentine S. Nelson, to be postmaster at Lyons, in the county of Clinton and State of Iowa, in the place of Milton H. Westbrook, whose commission expired June 16, 1890.

Alonzo B. Pearsall, to be postmaster at McGregor, in the county of Clayton and State of Iowa, in the place of John H. Audrick, removed.

Sidney L. Winter, to be postmaster at Woodbine, in the county of Harrison and State of Iowa, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

Louis L. Campbell, to be postmaster at Northampton, in the county of Hampshire and State of Massachusetts, in the place of Arthur Watson, whose commission expired August 2, 1890.

George P. Huckleby, to be postmaster at Rich Hill, in the county of Bates and State of Missouri, in the place of William T. Marsh, removed.

Mathen D. Fly, to be postmaster at Water Valley, in the county of Yalobusha and State of Mississippi, in the place of M. D. L. Martin, removed, the nomination of Little J. Scurlock, which was sent to the Senate May 22, 1890, having been withdrawn.

William S. Hamilton, to be postmaster at Greenville, in the county of Washington and State of Mississippi, in the place of Eben R. Wortham, removed.

Jacob M. Harman, to be postmaster at Shelton, in the county of Buffalo and State of Nebraska, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

Benjamin A. Lee, to be postmaster at Keyport, in the county of Monmouth and State of New Jersey, in the place of Edmund McKinney, whose commission expired August 2, 1890.

Charles B. Woolley, to be postmaster at Long Branch City, in the county of Monmouth and State of New Jersey, in the place of William R. Joline, whose commission expired June 21, 1890.

Alexander M. Whitcomb, to be postmaster at Albuquerque, in the county of Bernalillo and Territory of New Mexico, in the place of Hallam G. Williamson, resigned.

Stephen T. Andrews, to be postmaster at Franklinville, in the county of Cattaraugus and State of New York, in the place of Christopher Whitney, whose commission expired August 3, 1890.

Silas C. Burdick, to be postmaster at Alfred Centre, in the county of Allegany and State of New York, in the place of Terrence M. Davis, resigned.

Henry P. Horton, to be postmaster at Philmont, in the county of Columbia and State of New York; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

Solon H. Johnson, to be postmaster at Clayton, in the county of Jefferson and State of New York, in the place of Seeber McCarn, whose commission expired July 26, 1890.

Frank H. Button, to be postmaster at Corry, in the county of Erie and State of Pennsylvania, in the place of Maxwell Cameron, resigned.

Albert M. Row, to be postmaster at Clearfield, in the county of Clearfield and State of Pennsylvania, in the place of A. Bowman Weaver, removed.

Mrs. Frances J. M. Sperry, to be postmaster at Georgetown, in the county of Georgetown and State of South Carolina, in the place of S. Mortimer Ward, whose commission expired August 2, 1890.

Helen A. Conger, to be postmaster at Waco, in the county of McLennan and State of Texas, in the place of Edward D. Conger, deceased.

George F. Hannay, to be postmaster at Bastrop, in the county of Bastrop and State of Texas, in the place of Charles R. Haynie, removed, the nomination of Neal F. Campbell, which was sent to the Senate June 5, 1890, having been withdrawn.

John S. Snook, to be postmaster at Caldwell, in the county of Burleson and State of Texas; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

Roger W. Hulburd, to be postmaster at Hyde Park, in the county of Lamoille and State of Vermont; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

Charles A. Kirkham, to be postmaster at Augusta, in the county of Eau Claire and State of Wisconsin, in the place of Frank L. Clarke, resigned.

Perry C. Wilder, to be postmaster at Evansville, in the county of Rock and State of Wisconsin, in the place of Charles F. P. Pullen, resigned.

PROMOTIONS IN THE ARMY.

First Regiment of Cavalry.

Second Lieut. James B. Aleshire, to be first lieutenant, September 20, 1890, *vice* Miller, appointed assistant quartermaster.

Second Regiment of Infantry.

First Lieut. Sidney E. Clark, to be captain, September 25, 1890, *vice* Egbert, deceased.

Second Lieut. Virgil J. Brumback, to be first lieutenant, September 25, 1890, *vice* Clark, promoted.

First Regiment of Cavalry.

Additional Second Lieut. James Madison Andrews, jr., of the Fifth Cavalry, to be second lieutenant, September 20, 1890, *vice* Aleshire, promoted.

WITHDRAWALS.

Executive nominations withdrawn by the President September 26, 1890.

Little J. Scurlock, to be postmaster at Water Valley, in the State of Mississippi.

Neal F. Campbell, to be postmaster at Bastrop, in the State of Texas.

HOUSE OF REPRESENTATIVES.

FRIDAY, September 26, 1890.

The House met at 12 o'clock m. Prayer by Rev. J. H. CUTHBERT, D. D.

The Journal of yesterday's proceedings was read and approved.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

Mr. KENNEDY, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills and a joint resolution of the following titles; when the Speaker signed the same:

- A bill (S. 179) granting a pension to Ellen Courtney;
- A bill (S. 577) granting a pension to Laura J. Ives;
- A bill (S. 626) granting a pension to Mary E. Williams;
- A bill (S. 754) granting a pension to James Malin;
- A bill (S. 768) granting a pension to Frederick H. Macke;
- A bill (S. 1059) granting an increase of pension to William W. Bliss;
- A bill (S. 1154) to increase the pension of James Johnston;
- A bill (S. 1237) granting a pension to Mary E. Crimmins, widow of Patrick Crimmins;
- A bill (S. 1456) correcting the military history of David A. Parkhurst;
- A bill (S. 1468) granting a pension to Betsey Mower;
- A bill (S. 1480) granting a pension to Wick Morgan;
- A bill (S. 1552) granting a pension to Lewis Selden;
- A bill (S. 1640) granting a pension to Helen A. Beebe;
- A bill (S. 1696) for the relief of Asher W. Foster;
- A bill (S. 1705) granting a pension to Ira Manley;
- A bill (S. 1706) granting a pension to John Morgan;
- A bill (S. 1712) granting a pension to Cynthia A. Gudgell;
- A bill (S. 2086) to correct the military record of John Hunsmann, late of Company G, Eleventh Regiment Kentucky Cavalry;
- A bill (S. 2216) granting a pension to Mrs. Anna S. Taylor;
- A bill (S. 2238) granting a pension to Elizabeth Rumsey, army nurse;
- A bill (S. 2560) to increase the pension of Nelson Monroe;
- A bill (S. 2597) to remove the charge of desertion from the military record of William S. Bennett;
- A bill (S. 2750) to remove the charge of desertion against Almon E. Tobey;
- A bill (S. 3183) granting a pension to Amanda M. Smyth;
- A bill (S. 3191) for the relief of Albert Shell;
- A bill (S. 3332) granting an increase of pension to Margaret E. Pierce;
- A bill (S. 3342) granting a pension to Andrew Hopper;
- A bill (S. 3414) granting a pension to James Melvin;
- A bill (S. 3448) granting a pension to Clara H. McIntire;
- A bill (S. 3538) granting a pension to John W. Bennett;
- A bill (S. 3560) granting an honorable discharge to Almon Wetmore;
- A bill (S. 3756) for the relief of William Elmendorf;

A bill (S. 3816) granting a pension to Margaret D. Marchand;
 A bill (S. 3948) granting a pension to Morris Leavy;
 A bill (S. 3988) granting a pension to Joseph B. Sellers;
 A bill (S. 4209) granting a pension to Henry W. Haley;
 A bill (S. 4243) granting an increase of pension to Gurden L. Wight;
 A bill (S. 4254) granting a pension to Eliza Wallace;
 Joint resolution (S. 128) to correct an error in the act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1891, and for other purposes," approved August 30, 1890;
 A bill (H. R. 571) extending the limit of cost for public building at Hoboken, N. J., to meet requirements of site;
 A bill (H. R. 3857) to provide for the disposal of a portion of the United States military reservation at Baton Rouge, La.; and
 A bill (H. R. 7983) amending an act of Congress passed July 12, 1882, relative to fire limit of site of post-office and Federal building, Brooklyn, N. Y.

ORDER OF BUSINESS.

Mr. THOMAS. I rise to a parliamentary inquiry. This being private-bill day, I wish to know whether a motion can not be made to take up private bills on the Speaker's table and afterward to consider Senate bills on the Calendar which are not objected to.

The SPEAKER. The motion can not be made except by unanimous consent.

WORLD'S FAIR.

Mr. CANDLER, of Massachusetts. I ask unanimous consent for the present consideration of the resolution which I send to the desk. The Clerk read as follows:

Resolved, That a subcommittee, of which the chairman shall be one, be appointed by the chairman of the Select Committee on the World's Fair, to inquire into the progress of the details for the holding of the proposed exhibition, and to examine into the amount of space allotted to the various Government displays and other matters pertaining to the displays of the United States at the said exhibition, and all other matters in connection with said exhibition, which may appear to the said subcommittee advisable to report to the House, and to submit the result of said inquiry and examination to this Congress at the beginning of the second session thereof; and the expense of said inquiry and examination be paid out of the contingent fund of the House, and the chairman be authorized to draw for same on the Sergeant-at-Arms in sums not to exceed \$500.

The SPEAKER. Is there objection to the present consideration of this resolution?

Mr. HOPKINS. I do not see any necessity for the adoption of any such resolution. We already have a national commission that is looking after this matter.

The SPEAKER. Does the gentleman object?

Mr. HOPKINS. Yes, sir.

Mr. FRANK. I hope the gentleman will withdraw his objection.

Mr. HOPKINS subsequently withdrew his objection.

The SPEAKER. The gentleman from Illinois withdraws his objection. Is there further objection?

Mr. HOLMAN. I ask that the resolution be again read.

The resolution was again read.

The SPEAKER. Is there objection? The Chair hears none. The question is on the adoption of the resolution.

Mr. BUCHANAN, of New Jersey. According to the terms of the resolution, as I understand it, while the amount drawn is not to exceed the sum of \$500 at any one time, yet the number of times when such sums may be drawn is unlimited. I think there ought to be some limit to the possible expenditure.

Mr. CANDLER, of Massachusetts. It is impossible for us to tell what the amount of the expenditures will be. It can not however be a very large sum. If the gentleman desires to put an amendment on we shall not object; but under any circumstances this is merely a business committee and can not incur any expense beyond what is essential for the purpose contemplated. The demand for it comes not only from our committee, but from the chairman of the board having in charge the exhibit of the United States; we think it important that we should inquire into the multiplication of officers and other expenditures progressing at this time. We do not object to any limitation; but the committee claims, as I have said, that this is purely a business committee and that there will be no unnecessary expenditure.

Mr. CUTCHEON. Can the gentleman form an idea how much it will probably require?

Mr. CANDLER, of Massachusetts. It is impossible to determine.

The SPEAKER. The question is on agreeing to the amendments.

Mr. ANDERSON, of Kansas. Let the amendments be read.

The Clerk read as follows:

Amend by inserting after the word "subcommittee," in line 1, the words "of five," so that it will read "a subcommittee of five," etc.
 Also in the line preceding the last line strike out the words "Sergeant-at-Arms" and insert "Clerk of the House."

The amendments were adopted.

The resolution as amended was adopted.

Mr. CANDLER, of Massachusetts, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ARREARAGE OF SPECIAL AND GENERAL TAXES, DISTRICT OF COLUMBIA.

Mr. ENLOE. Let us have the regular order.

Mr. GROUT. Mr. Speaker, on behalf of the District Committee I ask unanimous consent for the consideration of a joint resolution (H. Res. 214) extending the "Act fixing the rate of interest to be charged on arrearages of general and special taxes now due the District of Columbia, if paid within a time specified," to October 31, 1890.

Mr. ENLOE. Is that under consideration?

The SPEAKER. The Chair will state that this is a matter of public importance for the District of Columbia.

Mr. ENLOE. But is it under consideration at the present time?

The SPEAKER. It is not at present, but is necessary legislation for the District.

The joint resolution will be read, after which the Chair will ask for objection.

The Clerk read as follows:

Resolved, etc., That the provisions of the act approved May 6, 1890, being "An act fixing the rate of interest to be charged on arrearages of general and special taxes now due the District of Columbia, if paid within a time specified," be, and they are hereby, re-enacted and extended to the 31st day of October, 1890.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. MCOMAS. I would like to have a statement before giving consent.

Mr. GROUT. The act referred to, approved May 6 last, provided that arrearages of taxes paid before July 31 should have 6 per cent. interest only charged upon them and that the penalty and the 2 per cent. provided by another law should be remitted. Before this act, making provision for the settlement of these arrearages by the payment of 6 per cent. per annum penalty got through the two Houses it was so late that only a very small proportion of the amount in arrears was paid, something less than \$100,000. There is between \$300,000 or \$400,000 in arrears, if my memory serves me right. I speak from recollection of a statement and understanding I had at the time.

This joint resolution proposes to extend the time to October 31, and the committee believe that a very large proportion of the balance still in arrears will be paid, with 6 per cent. interest, if the opportunity is given under suitable legislation.

Mr. MCOMAS. I have no objection.

There being no objection, the joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. GROUT moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

INTERNATIONAL EXPOSITION, MELBOURNE.

Mr. FLOWER. I ask unanimous consent for the consideration of the resolution I send to the desk.

Mr. STIVERS. Mr. Speaker, I rise to submit a privileged report.

The SPEAKER. The Chair will recognize the gentleman for that purpose.

Mr. STIVERS. I am directed by the Committee on Printing to report back a resolution referred to the committee, and recommend its adoption.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of State be, and he is hereby, authorized to have the reports of the United States commissioners to the Centennial International Exhibition at Melbourne, 1888, or such of them as may be accepted by him for publication, printed and bound at the Congressional Printing Office; and that in addition to the usual number there shall be 600 extra copies for the use of the Senate, 1,200 for the use of the House of Representatives, and 1,200 for the use of the Department of State.

The resolution was considered, and adopted.

STEAM-BOAT INSPECTION SERVICE.

Mr. FLOWER. Now, Mr. Speaker, I ask unanimous consent for the present consideration of the resolution I send to the desk. This, I will state, relates to the steam-boat inspection service.

The SPEAKER. The resolution will be read, after which the Chair will ask for objection.

Mr. MORRILL. Let it be read for information.

The resolution was read at length. (See page 10522.)

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. CANNON. I would like to know from what committee this comes.

Mr. ANDERSON, of Kansas. I object.

Mr. FLOWER. Then, a parliamentary question: Will the resolution go to the Committee on Commerce?

The SPEAKER. It would go properly to the Committee on Merchant Marine and Fisheries.

Mr. FLOWER. I ask its reference there.

The SPEAKER. That can be done under the rule.

Mr. FLOWER. Then I ask the reference under the rule.

CHARGES AGAINST THE POSTMASTER OF THE HOUSE.

Mr. ENLOE. Mr. Speaker, I rise to a question of privilege.

The SPEAKER. The gentleman from Tennessee rises to a question of privilege. The House will be in order.

Mr. ENLOE. Mr. Speaker, I offer the following, which I send to the Clerk's desk.

The Clerk read as follows:

Whereas it is alleged that the Postmaster of the House of Representatives has upon the roll of his employés, at \$100 per month, a Mr. Bradley, who works in the Government Printing Office, and that the said Bradley pays \$95 of the \$100 to the son of Mr. Wheat, who does not work in the House post-office: Therefore, Be it resolved, That the Committee on Accounts be, and they are, directed to investigate the said charge.

[Cries of "Vote!" "Vote!"]

Mr. ENLOE. Mr. Speaker—

The SPEAKER. The question is on the adoption of the resolution.

[Cries of "Vote!" "Vote!"]

Mr. ENLOE. Mr. Speaker, I have something to say concerning that resolution.

The SPEAKER. If the gentleman wishes to address the House he has a right to.

Mr. ENLOE. Yes, I would like to do so, because yesterday when I had the opportunity, as I thought, by dealing fairly with gentlemen on the other side, to have control of my resolution, I was taken off the floor in a way that I thought was rather unusual in this body.

The SPEAKER. The Chair desires to say to the gentleman from Tennessee that the course pursued is not unusual in this body, but, on the contrary, the regular course of procedure.

Mr. ENLOE. I will say that while it might have been regular in a parliamentary sense—and I do not mean to reflect on the Chair in that particular—I say that, in order to give gentlemen on the other side an opportunity to be heard in a matter in which I thought they were interested, I attempted to act fairly in the matter of reserving my time, thinking that on this side we would be heard later; but a gentleman on the other side got the floor to offer an amendment to the resolution, and was accorded the privilege of moving the previous question, and cutting off any opportunity to debate the matter on this side by the mover of the resolution or anybody else. Now I only wanted to deal fairly in the matter. This is another matter that needs investigation, as well as the one that was up yesterday.

I want to say, in reference to the desire of the gentleman to go back and investigate preceding administrations of the House Post-Office, that I had no desire to prevent the investigation of any Postmaster, either of the Forty-ninth, Fiftieth, or any other Congress, but I wanted that resolution to vest discretion in the committee to extend that investigation as far as might be deemed necessary to ascertain where this practice originated, if it did originate prior to the incumbency of the present Postmaster.

I want to say, furthermore, that, so far as I am informed, the amendment which was adopted yesterday to the resolution restricted the investigation simply to the former Postmaster.

The SPEAKER. The gentleman should confine himself to the resolution now under consideration.

Mr. ENLOE. This resolution refers to the present Postmaster. I do not know but what the gentleman from Illinois [Mr. HOPKINS] may want to go further back in regard to this also. I do not know but what he will want to inquire whether Mr. Dalton had a son also, who was paid in the same way.

The SPEAKER. The Chair thinks the gentleman from Tennessee should confine himself to the question of the resolution now presented.

Mr. ENLOE. I have no objection to discussing the present resolution. I want it adopted, and I want the matter investigated, not because I want to delay the investigation, but, on the contrary, I think the committee ought to make an investigation and report to the present session of Congress if it is possible to do so.

Mr. Speaker, I yield a portion of my time to the gentleman from Georgia [Mr. BLOUNT], and I will reserve the remainder of my time and reserve the floor.

Mr. BLOUNT. Mr. Speaker, I shall not occupy the time of the House at any great length. I think this resolution offered by the gentleman from Tennessee this morning illustrates the impropriety of connecting with the investigation ordered yesterday of the Postmaster of the House the investigation of the Postmaster of two preceding Congresses. The Postmaster of this House, the present incumbent, is charged with the duties pertaining to that office. On yesterday there was an allegation that, by virtue of authority to make a contract for carrying the House mail, he assumed the right to make a contract with a person who would agree to pay him \$150 a month for making that contract. With so vital an allegation as that before the House, with this man now in office, the majority side of the House embarrassed the committee with the investigation of the affairs of the Postmaster of two former Congresses.

The SPEAKER. The Chair thinks the gentleman from Georgia [Mr. BLOUNT] should confine himself to the present resolution.

Mr. BLOUNT. Sometimes it appears that the Chair sees that gentlemen on this side of the House are out of order much more quickly than when the other side are violating the rules of the House for partisan purposes.

The SPEAKER. But in some instances gentlemen are much more clearly out of order.

Mr. BLOUNT. That depends on whose vision is employed, Mr. Speaker.

The SPEAKER. The Chair desires to call the attention of the gentleman from Georgia to the resolution—

Mr. BLOUNT. Yes, I understand.

The SPEAKER. And to ask that he will confine the discussion to that. This is a question of privilege, and the Chair will have to leave it to the gentleman from Georgia.

Mr. BLOUNT. Mr. Speaker, I will leave it to the Speaker of this House, and end it there, as to whether or not there shall be more restraint of this side in matters of this sort than there has been time and again on the other side of the House. It was only the other day when the matter of a question of privilege was pending, while a vote of censure, a vote to expunge from the RECORD the speech of Mr. KENNEDY was pending, he was permitted to go on for twenty minutes in the presence of the House reaffirming the speech that the House was then condemning.

The SPEAKER. Did the gentleman from Georgia object?

Mr. ENLOE. Did the Speaker object?

Mr. BLOUNT. I am coming to the resolution. The Speaker, I understand, has a very plain duty in this matter of objection as well as members.

The SPEAKER. The Chair did not hear anything in the remarks of the gentleman from Ohio which he thought called for his interference. He was allowed by the House to make an explanation.

Mr. BLOUNT. And it was a reiteration of the offense.

Mr. STRUBLE. No one in this House made objection to it, either before or during its delivery.

Mr. BLOUNT. No; nor in the delivery of the first speech; no, no, nor the Speaker either. It was a beautiful type of the dignity of the House.

Mr. BUCHANAN, of New Jersey. "The Speaker" was not here.

The SPEAKER. The gentleman from Georgia does not mean to incorporate in his remarks a statement that the present occupant of the chair was here when that speech was made?

Mr. BLOUNT. I did not say "the present occupant of the chair."

The SPEAKER. You said "the Speaker."

A MEMBER. It was the Speaker *pro tempore*.

Mr. BLOUNT. The present occupant of the chair was not here.

The SPEAKER. The Chair desires to have that correction made at least.

Mr. BLOUNT. "The gentleman from Georgia" will certainly not do the Chair nor anybody else any injustice in anything; but, Mr. Speaker, I will come back to this resolution. I am willing to acquiesce in the ruling of the Chair; and I do hope that with this man who is now in office, who one day, it appears, is making a contract illegal in the eyes of the commonest, plainest man of this country, criminal, indecent, intolerable, and that on the next day appears in an allegation (and I understand it comes from a source likely to be followed with proof) that he has on the rolls of the House of Representatives a man who is at work at the Government Printing Office, pretending to pay him \$100 per month, when in fact \$95 of the money is going to his son, the Committee on Accounts will act promptly in this matter in relation to this employé. I do not want anybody else to escape.

Mr. ENLOE. Mr. Speaker, I do not see my colleague [Mr. HOUK] in his seat, or he might probably have an opportunity to offer the amendment which he tried to offer yesterday to suspend this Postmaster during the progress of this investigation. He was denied that opportunity yesterday; and I think if he were here this morning I might allow him an opportunity to offer such an amendment.

I want to say, furthermore, Mr. Speaker, on this subject, that there has been a great deal of criticism, in which I have shared, perhaps, more liberally than any member on this side of the House, for conduct here, which was supposed to be in violation of parliamentary rules. I suppose that I have had the credit of being knocked down oftener by the Speaker in matters of this sort than anybody else; and I am glad, indeed, to be able to get up again every morning to receive a fresh knockdown. [Laughter.]

I want to say right now that when I am treated fairly and have justice there is no man in this body who is more disposed to deal fairly with others than I; but when a question was up the other day involving a question of privilege, the resolution in reference to the speech of the gentleman from Ohio [Mr. KENNEDY] was taken out of my hands by the action of the majority, referred to a committee and brought back in a shape that, so far as I am concerned, looked to me as if we were engaged in the sublimest farce that has been witnessed in this House since its inauguration—and we have had many farces—and the chief actor in that farce was permitted to repeat everything that he had said.

The SPEAKER. The gentleman is mistaken. He repeated nothing at all contained in the speech alluded to.

Mr. ENLOE. That is very true.

The SPEAKER. Then, if that is true, the gentleman ought not to state to the contrary.

Mr. ENLOE. He was permitted to reaffirm everything he had said here in his former speech. That is a matter which does not especially concern me if the House is willing that these things shall be done; but when I undertook to discuss a matter of privilege—

The SPEAKER. If the gentleman desires to complain of infractions of the rules he ought to do it in a manner conforming with the rules of the House; and the Chair would suggest to the gentleman that the resolution under consideration is the matter that should be considered.

Mr. ENLOE. I understand that; but I have seen the Chair allow gentlemen, in debating questions of privilege, to take very wide range in the discussion of those matters—

The SPEAKER. What gentlemen?

Mr. ENLOE. A number of gentlemen, without interrupting the gentlemen, both on that side of the House and on this. On a question of privilege one morning I noticed that the Speaker, if he wants me to specify, allowed the gentleman from Arkansas to speak for one hour on a question of privilege, and during that one hour—

The SPEAKER. What gentleman from Arkansas?

Mr. ENLOE. Mr. ROGERS. The gentleman took the whole range of the Speaker's rulings.

Mr. KERR, of Iowa. Was not his speech in the main an attack on the Speaker?

Mr. ENLOE. And the Chair sat and received it very gracefully till he got tired.

The SPEAKER. It is very true that the gentleman alluded to and other gentlemen have made attacks upon the Chair which ought not to have been permitted.

Mr. ENLOE. That is very true.

The SPEAKER. That is true.

Mr. ENLOE. But I want to say, Mr. Speaker, that when we are settling these little affairs—

The SPEAKER. The Chair will state to the gentleman that the question is on the resolution, and the House is not settling these other affairs.

Mr. ENLOE. Very well; I will address myself to the resolution. It comes with no sort of propriety from the occupant of the chair—I will not say the present occupant, for obvious reasons, but for any occupant of the chair—to indulge in wit, sarcasm, and ridicule at the expense of members on the floor when they have no opportunity to reply.

The SPEAKER. The Chair calls the gentleman to order. The gentleman will address himself to the question under consideration.

Mr. ENLOE. That is the adoption of the resolution, Mr. Speaker, and I think that it is a pertinent resolution and ought to be adopted. I think it is one that the dignity of this House requires should be adopted, and that this committee should be urged in every way possible to go forward and make this investigation; and if it is necessary, in order to have an investigation of the matter, that we shall go back and investigate every preceding Congress, then let us have an investigating committee that will sit perpetually and investigate everything.

Mr. HILL. Will the gentleman permit a question?

Mr. ENLOE. Yes, sir.

Mr. HILL. I would like to inquire if the resolution which the gentleman introduced yesterday does not cover this same matter.

Mr. ENLOE. That is a point that might possibly be a subject of controversy in the committee, and we do not want any controversy about it. I thought that possibly the resolution introduced yesterday might cover this, but there are gentlemen who have doubts about it, and, as I have said, we do not want any doubt about the right of the committee to inquire into any matter of this sort.

Mr. HILL. What is your own opinion upon that point?

Mr. ENLOE. My opinion, so far as I am individually concerned, is that the resolution of yesterday would cover the matter, but the members of the committee must be satisfied about that, and there must be no room left for doubt. For that reason I have offered this resolution, and I call now for the previous question upon it.

Mr. CASWELL. I desire to say just one word.

The SPEAKER. The gentleman from Tennessee [Mr. ENLOE] has moved the previous question.

Mr. CASWELL. Mr. Speaker, can I be allowed a word?

The SPEAKER. Only by the House voting down the previous question.

The question was taken on the motion of Mr. ENLOE, and the previous question was ordered.

The resolution was adopted.

Mr. ENLOE moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Several members addressed the Chair.

The SPEAKER. The Chair desires to recognize first certain gentlemen who wish to present public business. The gentleman from Iowa [Mr. STRUBLE] is recognized.

TOWN SITES IN OKLAHOMA.

Mr. STRUBLE. Mr. Speaker, I have been directed by the Committee on Territories to ask unanimous consent for the present consideration of the bill which I send to the desk. I wish to say to the House that I have letters from the Secretary of the Interior, one addressed to the Speaker and one to myself, setting forth the importance of the passage of this bill.

The bill (H. R. 11627) to authorize the issuance of subpoenas for the attendance of witnesses before town-site trustees in Oklahoma was read, as follows:

Be it enacted, etc., That in proceedings before town-site trustees appointed under the act entitled "An act to provide for town-site entries of lands in what is known as Oklahoma, and for other purposes," approved May 14, 1890, any board of such trustees shall have authority to issue subpoenas for the attendance of witnesses before said board at such time and place as may be designated therein: *Provided*, That such witnesses shall be entitled to the same fees as witnesses before the district courts of the Territory of Oklahoma, and that the party applying for the issuance of a subpoena shall be required to deposit a sum sufficient to pay said fees.

SEC. 2. That in any case where a witness fails or refuses to obey a subpoena issued as herein provided, or where a witness in a proceeding before any such board refuses to answer legal and proper questions, the said board is authorized to certify the facts with respect to the failure or refusal of the witness to appear or refusal to testify to the nearest district court of the Territory of Oklahoma, and such certification shall confer upon said court the jurisdiction to hear and determine said matter, with the power to punish as in cases of contempt in said court.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. STRUBLE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Several members on both sides of the House addressed the Chair.

Mr. COGSWELL was recognized.

Mr. TRACEY. It seems to me that this side of the House ought to get some recognition now.

The SPEAKER. The Chair desires to say a word upon that subject and asks the attention of the House. There are a great many matters of public business which naturally come from the majority side of the House, so that it sometimes seems as if more members were being recognized on one side than upon the other, but the Chair does not consider that recognitions of gentlemen for the presentation of public matters are in the nature of individual recognitions or should be so counted. The Chair has tried his best to equalize recognitions between the two sides, and the fact that there is a larger number of members on the majority side seeking recognition seems to show that he has to a great extent succeeded. The Chair is glad to say this, because there may have been some misunderstanding on the subject.

Mr. ENLOE. Mr. Speaker, I make application now for the first vacancy on this side. [Laughter.]

THOMAS NILES.

Mr. COGSWELL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the desk, being a bill (S. 181) for the relief of the estate of Thomas Niles, deceased.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the personal representatives of Thomas Niles, deceased, late of Gloucester, Mass., out of any money in the Treasury not otherwise appropriated, the sum of \$6,050, in full compensation for damages to the land of the said Thomas Niles, deceased, near Gloucester, Mass., by the erection of a permanent fort thereon by the United States in 1863, for the defense of the harbor of Gloucester.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. ENLOE. Mr. Speaker, I would like to inquire what committee this comes from.

Mr. COGSWELL. It comes from the Committee on War Claims.

Mr. ENLOE. Let us have the report read.

Mr. COGSWELL. The report is somewhat lengthy, and I think I can make a statement of the case which will take less time than the reading of the report.

The SPEAKER. The reading of the report is demanded. The Clerk will read.

The report (by Mr. SIMONDS) was read, as follows:

The Committee on War Claims, to whom was referred the bill (S. 181) for the relief of the estate of Thomas Niles, deceased, have considered the same, and respectfully report:

That this claim was presented to the Fifty-first Congress, and a report was made in regard to it by the Committee on Claims on the 30th of January, 1890. As the examination by your committee has led them substantially to the same results with those arrived at by the Committee on Claims of the Senate, they do not think it necessary to recapitulate the facts, but refer to that report, and herewith annex a copy for information.

Your committee recommend that the bill referred to them do pass.

[Senate Report No. 203, Fifty-first Congress, first session.]

The Committee on Claims, to whom was referred the bill (S. 181) for the relief

of the estate of Thomas Niles, deceased, have considered the same, and respectfully report.

We adopt the favorable report of the Committee on War Claims of the House of Representatives, made in the Forty-third Congress, and adopted by the Committee on Claims of the Senate in the Fiftyeth Congress.

We annex the report, which we adopt, and recommend the passage of the bill.

[House Report No. 425, Forty-third Congress, first session.]

The Committee on War Claims, to whom was referred the petition of the heirs of Thomas Niles, deceased, late of Gloucester, Mass., having considered the same, report:

That when apprehensions were entertained in 1863 that our eastern coast might be visited and injured by rebel privateers an examination was made (at request of governors and other citizens of coast States) of the shores, localities selected, and projects made for temporary field-works for the protection of a number of the exposed towns and harbors. Gloucester was one of the towns embraced in this scheme of protection, and a position for a battery was selected at Eastern Point, which proved to be Mr. Niles's land.

The property was entered upon by authority of the Secretary of War, as was done in a number of other instances, and a work was constructed upon it to defend the town from injury.

After the close of the war negotiations were entered into with a number of the proprietors of these sites for the purchase of their land for defensive purposes. Generally the prices asked by the owners were so large that no agreement to buy was concluded, and the undertakings failed. This was the case with Mr. Niles. April 18, 1868, the Chief of Engineers reported upon a reference of a letter of Mr. Niles to the Secretary of War asking "immediate removal of the fortifications erected on his land and payment for the damage;" that all that was perishable of the work (fort) was going to decay; the guns, ammunition, and other property were in the care of an ordnance sergeant and a soldier or two, and recommended that all the armament and public property be withdrawn and the position abandoned; that no rent or damages had been paid in such cases from the appropriations under control of the Chief of Engineers; and also, as claims of this kind were proper subjects for the examination and determination of the Claims Commission or a like tribunal, that Mr. Niles be left to pursue his remedy in that way.

July 6, 1868, the Secretary of War directed that a board of officers be appointed to examine into the justice of the claim of Mr. Niles for the occupation of his land and the construction of works thereon.

General Foster, of the Corps of Engineers, General Pelouze, assistant adjutant-general, and General De Russy, of the Third Artillery, were appointed a board to ascertain and report particularly the cost of putting the grounds as near as possible in the same condition as when the Government took possession; the damage still occasioned to the land and the injury and loss of personal property so far as the Government was responsible therefor; and a reasonable rent during the period of occupation.

The board reported the use and occupation of said land as constituting a valid claim against the United States, and the cost of putting the grounds as nearly as possible in the same condition as when the Government took possession at \$6,050. For the damage done to the land and personal property, so far as the Government was responsible therefor (as corn crops destroyed, vegetables, glass land, stone, etc.), the board proposed that the United States give to Mr. Niles the temporary buildings erected for the use of the garrison near the fort, estimated worth \$6,300, as ample compensation for that class of personal claims. The board also believed \$8,237.50 a reasonable rent for the property during the period of occupation.

The report of the board was approved by the Secretary of War, accepted by Mr. Niles, and the Chief of Engineers directed to make payment; but the Chief of Engineers, in view of a decision of the Second Comptroller that claims for damages should be referred to Congress, asked specific instructions September 4, 1868. In reply, the Secretary of War, upon the recommendation of the Claims Commission, approved the payment of but \$4,337.50, for rent, and, for other items (restoration and damages to personal property, etc.), that the claimant be referred to Congress. Payment for rent was accordingly made by General J. G. Foster, Corps of Engineers, in the second quarter of 1868, and the Chief of Engineers, by direction of the Secretary of War, instructed General Benham, February 6, 1869, to notify Mr. Niles that possession by the United States would terminate on sale of buildings, etc.; and April 15, 1869, General Benham notified Mr. Niles accordingly, the sale of the buildings having been effected.

It appears from the evidence in this case that the land of Mr. Niles was highly valued for the purpose of erecting seaside cottages and residences, and that had he been allowed the use of the land during the period it was occupied by the Government he would have received at least four times the amount awarded by the board.

Your committee are of the opinion the amount so awarded (\$6,050) is no more than a fair compensation, if it is even that, and consider the action of a board composed of able army officers of long military experience, specially appointed for the purpose, as conclusive upon this point; and, regarding the claimant as not only legally but also equitably entitled to relief in consequence of the damage he has sustained by the action of the Government, report the accompanying bill, and recommend its passage.

Mr. KILGORE. Mr. Speaker, I can not understand from the reading of the report the exact status of this case, but if I caught it aright the owner of this property has already received nearly \$10,000 in rent, and this is a proposition to pay him an extra amount by way of damages growing out of the construction of this fort. I would like to inquire of the gentleman in charge of the bill whom this property belongs to now.

Mr. COGSWELL. It belongs to the same family that owned it when the Government took possession of it, and this appropriation is to enable them to put the land in the same condition in which it was found by the Government. Here was a valuable property for building, the most valuable seaside property in this country, held at even a higher figure than property at Newport. The Government came along, took the property, erected its fort, and then abandoned it; and this bill is to appropriate money enough to put that property back in as good condition as it was when the Government took it.

Mr. KILGORE. Did the Government pay this man rent?

Mr. COGSWELL. The Government paid rent, but it paid nothing for the damages to which the military board found he was entitled. They paid nothing for that because they said their appropriation would not enable them to do so, and that he would have to go to Congress, and they farther said that the amount paid for rent was not one-quarter of what the property would have brought for other purposes.

Mr. KILGORE. How long did the Government occupy the property?

Mr. COGSWELL. About five years, I think.

Mr. RICHARDSON. I would like to inquire how long the Government occupied this property and how much was occupied.

Mr. COGSWELL. The occupation extended over about five years.

Mr. RICHARDSON. How many acres were there?

Mr. COGSWELL. I can not give the exact acreage; it was not more than 3 or 4 acres; but on that shore, where there is probably the most valuable property of that character in the country, lots sell for a higher figure, I presume, than on Massachusetts or Connecticut avenues in this city. This man lost his rent and the use of his property, or three-fourths of it. This bill proposes, in accordance with the recommendation of the military board, to give him enough to put that land in the condition in which it was when the Government took it, dug it up, built its fort there, and then after five years abandoned it.

Mr. RICHARDSON. I do not intend to object to the consideration of this measure; but, as I understand, the amount carried by the bill is intended as compensation to the owner of this property for the damages done to his real estate by the building of this fort. Now, I want to ask the gentleman whether he thinks this is a departure from the precedents which have been set by the Government in hundreds of cases growing out of like occupation of property (some of it within sight of this Capitol) during the war?

Mr. COGSWELL. So far as I understand, the precedent set by this Government is that it does not pay its debts when it can avoid doing so, and if this is a departure from that policy I thank God. [Laughter.]

Mr. RICHARDSON. I would like to ask the gentleman this further question: If a like measure should be presented for the payment of damages done to real estate on my side of the line—I mean south of the line—will the gentleman stand by me and help to make compensation to loyal men for similar damages suffered during the war?

Mr. COGSWELL. Every time.

Mr. RICHARDSON. All right.

The SPEAKER. Is there objection to the consideration of this bill? The Chair hears none. The question is on ordering the bill to a third reading.

The bill was ordered to a third reading; and it was accordingly read the third time.

The SPEAKER. The question is now on the passage of the bill.

Mr. ENLOE. Mr. Speaker, I am not willing that this bill should pass without stating my objection to it.

The SPEAKER. Does the gentleman desire to address the House?

Mr. ENLOE. I would like to say just a word or two.

The SPEAKER. The gentleman has that right. The question is on the passage of the bill.

Mr. ENLOE. I did not want to object to the consideration of this bill; but it looks to me, Mr. Speaker, as if this were, as suggested by my colleague [Mr. RICHARDSON], a departure from the general policy of the Government. In addition to that I can not understand how it is that when this man has received \$10,000 for the occupation of his land—

Mr. COGSWELL. Eight thousand dollars.

Mr. ENLOE. Well, \$3,000, \$2,000 an acre, assuming that there were 4 acres, the utmost amount which the gentleman claims to have been occupied. Two thousand dollars an acre is a pretty good price for land—

A MEMBER. In Tennessee.

Mr. ENLOE. Yes, it is a pretty good price for land in my country and possibly anywhere around Washington. Two thousand dollars per acre ought to have bought that land. And now after this amount has been paid as rent, to come back here and propose to pay this man \$1,000 or \$1,500 per acre additional, besides giving him back his land, does not look to me like a fair proposition.

Mr. COGSWELL. I suppose this land is worth anywhere from \$30,000 to \$50,000 an acre, if a man is fortunate enough to own such land.

Mr. ENLOE. The misfortune is that there are some of us in this country who have not many acres—

Mr. COGSWELL. I am one of those.

Mr. ENLOE. And I want to protect those who have no acres; I do not want the Government with my consent to give a man as damages more than his land is worth.

Mr. COGSWELL. Oh, this is not a case of that kind.

Mr. ENLOE. I am not in favor of this bill and do not want it to pass, and I protest against it.

The question being taken, the bill was passed; there being—ayes 110, noes 17.

Mr. COGSWELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REFUND OF DUTIES ON IMPORTED ARMS.

Mr. TRACEY. I ask unanimous consent that the Committee of the Whole House be discharged from the further consideration of the bill which I send to the desk and that it be now put on its passage.

The Clerk read as follows:

A bill (H. R. 597) to refund duties paid by the State of New York on arms imported in 1863.

Whereas an act entitled "An act to remit duties on arms imported by States," approved July 10, 1861, and the act supplementary thereto, approved July 25, 1861, have expired by limitation: Therefore

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized and directed to refund, out of any money in the Treasury not otherwise appropriated, the duties paid by the State of New York on arms imported in 1863, amounting to the sum of \$42,796.87, which sum includes the premium paid in the purchase of gold for the payment of said duties: Provided, That the Secretary of the Treasury shall be satisfied that the said arms were purchased in good faith for the use of the troops of the State of New York organized to aid in suppressing the then existing insurrection against the United States.

Mr. HOLMAN. I think the report should be read.

The Clerk proceeded to read the report (by Mr. STONE, of Kentucky), which is as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 597) to refund duties paid by the State of New York on arms imported in 1863, report as follows:

That this claim was presented to the Forty-ninth Congress, and a report was made in regard to it by the Committee on War Claims, on the 23d of March, 1896. As the examination by your committee has led them to the same results with those arrived at by the committee of 1896, they do not think it necessary to recapitulate the facts, but refer to that report, and herewith annex a copy for information.

Your committee therefore recommend that the bill referred to them do pass.

[House Report No. 1297, Forty-ninth Congress, first session.]

The Committee on War Claims, to whom was referred the bill (H. R. 5011) to refund duties paid by the State of New York on arms imported in 1863, having examined the same and accompanying papers, submit the following report:

This claim is for duties paid by the State of New York on arms imported in 1863 and used in arming troops that were mustered into the service of the United States.

The foreign cost of the arms has been repaid by the United States, but the cost of importation has never been refunded. The application made by the State that it might be released from paying the duties was denied, for the reason that the act to remit duties on arms imported by States, approved July 10, 1861, and the act supplementary thereto, approved July 25, 1861, had expired by limitation.

It is evident that, the foreign cost of the arms having been repaid by the United States, that part of their cost that the State was compelled to pay to the United States should also be refunded.

It seems to your committee that the duties paid were quite as much a part of the cost, charges, and expenses to the State in arming the troops as the original cost of the arms.

The duties were paid in gold, and at a time when the premium on gold was very high, which, of course, increased largely the expense of the State.

Your committee therefore recommend that said State of New York be reimbursed the amount of said duties paid on arms purchased by said State in 1863, and thus used in arming troops which were mustered into the service of the Federal Government, and that said bill do pass.

Mr. HOLMAN (interrupting the reading). I do not ask for the further reading of the report, but I suggest to the gentleman from New York [Mr. TRACEY] that we are trenching upon very dangerous ground in providing for the payment of premium in a case like this. If the amount in the bill be reduced so as to correspond with the sum actually paid, I have no objection.

Mr. TRACEY. If the gentleman insists on that point, I have prepared an amendment—

Mr. HOLMAN. The Government has never been in the habit of paying premiums in cases of this kind.

Mr. TRACEY. I will offer, then, an amendment reducing the amount by \$10,000.

The Clerk read as follows:

Strike out all after "of," in line 7, down to and including the word "provided," in line 10, and insert "\$30,940.86."

Mr. HOLMAN. That would be the amount without the premium?

Mr. TRACEY. Yes, sir.

Mr. STEWART, of Vermont. This amendment strikes out the premium?

Mr. TRACEY. Yes, sir.

Mr. KERR, of Iowa. I wish to inquire what committee has reported this bill?

Mr. TRACEY. The Committee on War Claims.

Mr. KERR, of Iowa. Did the committee investigate this matter themselves or simply adopt the former report?

Mr. TRACEY. They had all the facts before them. The gentleman from Kentucky [Mr. STONE] has made a report of this character in several Congresses.

Mr. STONE, of Kentucky. The Committee on War Claims has investigated this matter in three different Congresses and found the amount stated in the bill to be correct.

The SPEAKER. Is there objection?

Mr. ANDERSON, of Kansas. I object.

Mr. TRACEY. If the gentleman from Kansas will give me his attention a moment, I think he will withdraw his objection.

The SPEAKER. Objection is made.

ORDER OF BUSINESS.

Mr. STEPHENSON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill I send to the desk.

Mr. ENLOE. Let us have the regular order.

Mr. BINGHAM. In view of the demand for the regular order, I move to dispense with private business for the purpose of getting to business on the Speaker's table, which is loaded down with bills.

Mr. THOMAS. This, Mr. Speaker, is private-bill day, and we have not had very many such days. I will ask, if the motion of the gentleman from Pennsylvania shall prevail, would it prevent a motion afterwards to go to the Private Calendar?

The SPEAKER. As the Chair understands the gentleman from Pennsylvania, he desires to reach certain bills on the Speaker's table, after which the Private Calendar could be taken up.

Mr. THOMAS. So that after the business on the Speaker's table is disposed of it will be in order to move to proceed with the Private Calendar?

The SPEAKER. It will.

Mr. BINGHAM. My desire is to dispense with private business for the present.

The SPEAKER. The Chair so understands. The gentleman from Pennsylvania has some public bills, and the Chair thinks after they are read the House will agree to consider them.

Mr. BREWER. Before that, Mr. Speaker, I hope the bill called up by my colleague will be considered.

The SPEAKER. But the regular order is demanded.

Mr. ENLOE. I think we had better have the regular order. There are a number of bills that will not be considered in any other way; and perhaps there will be a little more justice done than in the recognitions that are going on at present.

Mr. BREWER. I ask the gentleman to withhold his demand for the present.

Mr. ENLOE. I am willing to have business on the Speaker's table disposed of.

The SPEAKER. The gentleman calls for the regular order. The Chair understands that the gentleman does not object to the consideration of the bills on the Speaker's table to which the gentleman from Pennsylvania refers? The gentleman from Pennsylvania moves that private business be dispensed with for the present, and he states that it is his purpose to bring up two public bills.

Mr. ENLOE. What two bills?

The SPEAKER. Two bills on the Speaker's table relating to the postal service.

Mr. ENLOE. I am willing that private business shall be dispensed with for that purpose.

The SPEAKER. In the absence of objection, the Private Calendar will be dispensed with for the consideration of the two bills—

Mr. ENLOE. No; not specially for the two bills, but only for the bills on the Speaker's table, without limit. I make the request in that shape. Otherwise I shall not agree to it.

Mr. PETERS. I understand the gentleman desires to include all the business on the Speaker's table. I also wish to have that done.

The SPEAKER. Is there objection that bills on the Speaker's table be taken up as on public-bill day?

There was no objection, and it was so ordered.

STATUE OF LAFAYETTE.

The SPEAKER. Before proceeding with business on the Speaker's table the Chair desires to lay before the House the joint resolution of the Senate to enable the commission having charge of the location and erection of the statue to the memory of General Lafayette to execute the purpose expressed in the concurrent resolution of August 28. The Clerk will read the joint resolution.

The Clerk read as follows:

Resolved, etc., That to enable the commission created by the act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1896, and for other purposes," approved March 3, 1895, to execute the purpose expressed in the concurrent resolution adopted by the two Houses of Congress on the 24th day of August, 1890, and to complete a new site for the said statue, the sum of \$5,000 or so much thereof as may be necessary is hereby appropriated out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the aforesaid commission.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered and ordered to a third reading; and being read the third time, was passed.

Mr. O'NEILL, of Pennsylvania, moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LIGHT-STATION AND FOG-SIGNAL, BRADDOCK'S POINT, NEW YORK.

The SPEAKER laid before the House the amendments of the Senate to the bill (H. R. 573) for the establishment of a light-station and fog-signal in the vicinity of Braddock's Point, Lake Ontario, New York.

The Senate amendments were read, as follows:

In line 3, after the words "light-station," insert "at Braddock's Point;" and insert section 2 as follows:

"Sec. 2. That there be placed and provided at the Charlotte light station, Lake Ontario, New York, a fog-whistle, at a cost not exceeding \$4,300."

Also amend the title to conform.

Mr. BAKER. I move that the House concur in the Senate amendments.

The motion was agreed to.

JAMES T. HUGHES.

The SPEAKER also laid before the House the amendments of the Senate to the bill (H. R. 1268) to perfect the military record of James T. Hughes.

The Senate amendments were read at length.

The SPEAKER. The question is on concurring in the amendments of the Senate.

The amendments were concurred in.

JOHN MILROY.

The SPEAKER also laid before the House the amendments of the Senate to the bill (H. R. 1358) to remove the charge of desertion against John Milroy, and authorizing his honorable discharge.

The amendments were read at length.

Mr. CUTCHEON. Mr. Speaker, I move that the House concur in the Senate amendments to this bill.

The motion was agreed to.

D. H. MITCHELL.

The SPEAKER also laid before the House the amendment of the Senate to the bill (H. R. 4367) for the relief of D. H. Mitchell.

The amendments of the Senate were read at length.

Mr. MORRILL. I move that the House concur in the Senate amendments.

Mr. KERR, of Iowa. I would like to know the effect of concurrence.

Mr. MORRILL. The amendment of the Senate simply corrects a mistake in the figures made by the House. It adds \$9.98 to the amount of the claim. There was an error in the computation and the Senate corrected that error.

The motion of Mr. MORRILL was agreed to.

ARCHIBALD HUNLEY.

The SPEAKER also laid before the House the amendments of the Senate to the bill (H. R. 5067) for the relief of Archibald Hunley.

The amendments were read at length.

Mr. CUTCHEON. Mr. Speaker, I move that the House non-concur in the Senate amendments and agree to the conference asked.

The motion was agreed to.

The SPEAKER announced the appointment of Mr. OSBORNE, Mr. LANSING, and Mr. LANHAM as conferees on the part of the House.

MARIA L. CARAHER.

The SPEAKER also laid before the House the amendment of the Senate to the bill (H. R. 8210) granting an increase of pension to Maria L. Caraher.

The Senate amendment was read at length.

Mr. MORRILL. I move to concur in the Senate amendment.

The motion was agreed to.

PRIVATES AND NON-COMMISSIONED OFFICERS, UNITED STATES ARMY.

The SPEAKER also laid before the House the amendment of the Senate to the bill (H. R. 8394) to amend chapter 67, volume 23, of the Statutes at Large of the United States.

The Senate amendment was read, as follows:

In line 13 of the printed bill, before the words "Marine Corps," insert "Navy or."

Mr. CUTCHEON. I am directed by the Military Committee to move that the House concur in the Senate amendment.

Mr. HOLMAN. Before that motion is submitted I wish the bill to be read so that we can see the relation of the amendment to the bill.

The bill was read at length.

Mr. CUTCHEON. The only change in the House bill is to insert the words "or Navy," so as to provide that if a man served in the Navy he gets the same benefit as if his service had been in the Army or Marine Corps.

The Senate amendment was concurred in.

GEORGE MURRAY.

The SPEAKER also laid before the House the bill (H. R. 10083) for the relief of George Murray, with Senate amendments.

The Senate amendments were read at length and concurred in.

ROAD TO NATIONAL MILITARY CEMETERY NEAR ALEXANDRIA, VA.

The SPEAKER also laid before the House the bill (H. R. 7666) making an appropriation to construct a road and approaches from the city of Alexandria, Va., to the national military cemetery near that city, with Senate amendments.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, September 19, 1890.

Resolved, That the bill from the House of Representatives (H. R. 7666) entitled "An act making an appropriation to construct a road and approaches from the city of Alexandria, Va., to the national military cemetery near that city" pass with the following amendments:

Line 4, strike out all after "gravel," down to and including "appropriation," line 10, and insert:

"For macadam road and approaches from the national military cemetery near the city of Alexandria, Va., via Wilkes street to the intersection of said street with Alfred street, in said city: Provided, That a right of way be granted to the United States by the city of Alexandria of at least 50 feet in width, or the full legal width of Wilkes street, to Payne street, and thence 30 feet in width from that point to the national cemetery, passing between the two private cemeteries."

Mr. KERR, of Iowa. Mr. Speaker, I desire to know how much money this bill appropriates.

The SPEAKER. The House bill appropriates \$7,000.

Mr. KERR, of Iowa. How much is added to it, if anything, by the Senate amendment?

The SPEAKER. Nothing is added to the amount of the appropriation in the House bill.

Mr. CUTCHEON. I think we had better non-concur and ask for a conference.

Mr. BUCHANAN, of New Jersey. It seems to me, after giving as good attention as I could to the reading of the amendment, that the Senate bill provides for the macadamizing of a portion of the streets of Alexandria.

The SPEAKER. Upon that point the Chair has no information. The question is on concurring with the Senate amendment.

Mr. CUTCHEON. Is a conference asked in this case?

The CLERK. No, sir.

Mr. CANNON. I wish to ask a question. If the Senate changes the purpose of an appropriation so as to make it an appropriation for the purpose of macadamizing the streets of a city, under the guise of constructing a road to a military cemetery, is not that such a change and such an appropriation as would require first consideration in Committee of the Whole?

The SPEAKER. The Chair at present can see no reason why it should be. The amount appropriated is not in any way changed.

Mr. FARQUHAR. Let us have non-concurrence and ask for a conference.

Mr. CANNON. It seems to me if you appropriate the money of the United States to the construction of a macadamized road in an incorporated city of 10,000 inhabitants it is such an appropriation as makes a charge upon the Treasury, and if it was presented in the House for the first time it would require its consideration in Committee of the Whole.

Mr. CUTCHEON. Mr. Speaker, I move non-concurrence with the Senate amendments.

Mr. CANNON. Let us see about that. Should not this go to the Committee of the Whole?

The SPEAKER. The Chair can see no reason why it should. The Chair is unable to see how it would be possible for the Senate to amend a House bill that made an appropriation without making it obnoxious to the reasoning presented by the gentleman from Illinois.

Mr. CANNON. The Chair holds that it would have to be first considered in the Committee of the Whole?

The SPEAKER. That it would not.

Mr. CANNON. I want to make myself understood. If the House makes an appropriation for one object and the Senate amends the bill in such a way as to divert the money to another object, and if by that it escapes the point of order, it seems to me the rule means nothing, if that can be done.

Mr. TRACEY. The rule is for the House, not for the Senate.

The SPEAKER. The presumption is that the appropriation is for the same purpose.

Mr. CANNON. Ah, but here is the presumption combated.

The SPEAKER. The Chair does not think so.

Mr. BUCHANAN, of New Jersey. Put it in conference.

Mr. CUTCHEON. I move to non-concur in the Senate amendments, and that a conference be asked with the Senate.

The motion was agreed to; and the Speaker appointed the following conferees on the part of the House: Mr. WILLIAMS of Ohio, Mr. KINSEY, and Mr. LANHAM.

PUBLIC LANDS.

The SPEAKER also laid before the House the bill (H. R. 10639) to amend section 2, act of May 30, 1862.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, September 19, 1890.

Resolved, That the bill from the House of Representatives (H. R. 10639) to amend section 2, act of May 30, 1862, pass with the following amendment:

Line 2, after the words "Congress assembled," insert the words "That section 2399 of the Revised Statutes of the United States be amended so as to read,"

Line 3, strike out "That the" and insert "Section 2399. The."

Amend the title so as to read:

"An act to amend section 2399 of the Revised Statutes of the United States on the subject of contracts for land surveys."

Mr. HOLMAN. Mr. Speaker, I think there ought to be some explanation of that. The reading of the amendments throws no light upon it. Let us have the bill read.

The SPEAKER. The gentleman desires the text of the House bill read. The Clerk will report it.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the printed manual of surveying instructions for the survey of the public lands of the United States, and private land claims, prepared at the General Land Office, and bearing date December 2, 1889, the instructions of the Commissioner of the General Land Office, and the special instructions of the surveyor-general, when not in conflict with said printed manual, or the instructions of said Commissioner, shall be taken and deemed to be a part of every contract for surveying the public lands of the United States, and private land claims.

The SPEAKER. The Clerk will now report the Senate amendments.

The Clerk read as follows:

In line 2, after the words "Congress assembled," insert the words "That section 2397 of the Revised Statutes of the United States be amended so as to read." In line 6 strike out the word "that" and insert the words "Section 2397," and amend the title so as to read: "An act to amend section 2397 of the Revised Statutes of the United States."

Mr. KERR, of Iowa. It seems to me that unless the Committee on Public Lands know the effect of the amendment there ought to be at least a conference, so that we might know something about the effect.

The SPEAKER. Does the gentleman from Iowa move to non-concur and appoint a committee of conference?

Mr. KERR, of Iowa. I do.

The motion was agreed to.

So the House non-concurred in the Senate amendment, and the committee of conference was ordered.

DANIEL W. SELLECK.

The SPEAKER also laid before the House the bill (H. R. 2106) to remove the charge of desertion against Daniel W. Selleck with a Senate amendment.

The amendment of the Senate was read, as follows:

Strike out all after the enacting clause and insert the following:

"That the Secretary of War is hereby authorized and directed to remove the charge of desertion from the military record of Daniel W. Selleck, as a private of Company B, of the Ninth Regiment of Indiana Volunteers, and substitute therefor, 'discharged from the military service on the 26th day of February, 1864, by reason of being under the age of eighteen years, and of having enlisted and re-enlisted without the knowledge or consent of his parents,' and further, to issue to said Selleck a discharge as of date February 26, 1864, by reason of being under the age of eighteen years and having enlisted without the knowledge or consent of his parents."

Mr. WILLIAMS, of Ohio. I move to concur in the Senate amendment.

The motion was agreed to.

EULOGIES ON THE LATE HON. JAMES LAIRD.

The SPEAKER also laid before the House the joint resolution (H. Res. 152) providing for the printing of eulogies delivered in Congress upon the late James Laird, with Senate amendments.

The amendments of the Senate were read, as follows:

In line 3 strike out the word "six" and insert the word "ten." In line 3, after the words "two thousand," insert the words "five hundred;" and in line 4 strike out the words "four thousand" and insert the words "seven thousand five hundred."

Mr. RICHARDSON. I do not see the chairman of the Committee on Printing in his seat. Therefore, I move to concur in the Senate amendments.

Mr. HOLMAN. I hope the original text will be read, so as to show the effect of the amendments.

Mr. RICHARDSON. I can state for the information of the gentleman that the joint resolution as it passed the House provided for the printing of 6,000 copies. It is increased to 10,000, and I will state that that is 2,000 less than the usual number printed. The resolution for the printing of 6,000 was passed at the request of the gentleman who succeeded Mr. Laird; and it is right and proper to concur in the Senate amendments.

The amendments of the Senate were concurred in.

J. L. CAIN AND OTHERS.

The SPEAKER also laid before the House the bill (H. R. 2990) for the relief of J. L. Cain and others, with a Senate amendment.

The amendment of the Senate was read, as follows:

Strike out all after the enacting clause and insert:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the respective sums of money as hereinafter provided to the respective persons named herein, or to their heirs or legal representatives, to wit, for cotton taken by order of General A. E. Burnside to strengthen the fortifications at Knoxville, Tenn., November 17 and 18, 1863, to wit, J. L. Cain, 6 bales, less his proportion of the loss of the 95 bales, 24 bales, equals 57 bales, at 75 cents per pound, \$1,461.25; Hugh G. Kyle, administrator of A. A. Kyle, deceased, 7 bales, less his proportion of the 95 bales lost, 23 bales, equals 4 bales, at 75 cents per pound, \$1,711.25; Alexander Kennedy, 10 bales, less his proportion of the loss of the 95 bales, 83 bales, equals 64 bales, at 75 cents per pound, \$2,463.25; W. C. Hazen, surviving partner of G. M. Hazen, deceased, 34 bales, less his proportion of the loss of the 95 bales, 111 bales, equals 224 bales, at 75 cents per pound, \$8,308.25."

Mr. HOLMAN. I ask for the reading of the original text, so as to learn what the effect of the amendment will be.

Mr. HOPKINS. I make the point of order on that bill that it should be considered in Committee of the Whole.

Mr. STONE, of Kentucky. The effect of the Senate amendment is to reduce the amount provided by the House bill making the appropriation to pay these gentlemen.

Mr. HOLMAN. Is there any new item of appropriation in the Senate amendment?

Mr. STONE, of Kentucky. There is no new item. This simply reduces the amount, and I move to non-concur in the Senate amendment and agree to the conference asked.

Mr. HOPKINS. I would ask the Chair if the rule does not require that this bill should be considered in Committee of the Whole.

The SPEAKER. It does not. The Chair understands there was an appropriation made by the House bill. That appropriation has been amended by the Senate bill; but it is not a new item of appropriation.

Mr. STONE, of Kentucky. There is no new item in the bill.

The SPEAKER. If there were a new item in the bill it would have to be considered in Committee of the Whole.

Mr. STONE, of Kentucky. I move to non-concur in the Senate amendment and agree to the conference asked.

The motion was agreed to.

MRS. MARY B. CUSHING.

The SPEAKER also laid before the House the bill (H. R. 11773) granting an increase of pension to Mrs. Mary H. Cushing, with a Senate amendment.

The Senate amendment was read, as follows:

In line 2 strike out the letter "H" and insert in lieu thereof the letter "B."

The Senate amendment was concurred in.

JUNCTION CITY AND FORT RILEY STREET RAILWAY COMPANY.

The SPEAKER also laid before the House the bill (S. 2648) granting right of way to the Junction City and Fort Riley Street Railway Company into and upon the Fort Riley military reservation in the State of Kansas, and for other purposes, with House amendment disagreed to by the Senate, on which a conference was asked.

Mr. CUTCHEON. I move that the House insist upon its amendment, and agree to the conference asked for by the Senate.

The motion was agreed to.

The SPEAKER subsequently announced as conferees Mr. WILLIAMS, of Ohio, Mr. KINSEY, and Mr. LANHAM.

EXAMINATION OF CERTAIN OFFICERS OF THE ARMY.

The SPEAKER also laid before the House the bill (S. 3716) to provide for the examination of certain officers of the Army and to regulate promotions therein, with amendments of the House disagreed to by the Senate, on which a conference was asked.

Mr. CUTCHEON. Mr. Speaker, I am directed by the Committee on Military Affairs to ask the House to insist upon its amendments and to agree to the conference asked, and therefore make that motion.

The motion was agreed to.

The SPEAKER subsequently announced as conferees on the part of the House Mr. CUTCHEON, Mr. OSBORNE, and Mr. WHEELER, of Alabama.

TO REPEAL CERTAIN SECTIONS OF THE REVISED STATUTES.

The SPEAKER also laid before the House the bill (S. 3996) to repeal sections 3952 and 3953 of the Revised Statutes of the United States.

The bill was read, as follows:

Be it enacted, etc., That sections 3952 and 3953 of the Revised Statutes of the United States be, and the same are hereby, repealed.

Mr. BINGHAM. Mr. Speaker, the Senate bill just read is identical with House bill 9794. If the House desires the reading of a brief report, without reading the long letter of the Postmaster-General, I think gentlemen will be thoroughly informed. If, however, a brief statement is required, I will make it.

Mr. STEWART, of Vermont. What are the sections repealed?

Mr. CASWELL. Let us have a brief statement.

Mr. BINGHAM. Sections 3952 and 3953 are the sections to be repealed.

Mr. STEWART, of Vermont. Will the gentleman state the substance of the sections?

Mr. BINGHAM. Section 3952 of the Revised Statutes requires in the bidding for star routes, which occurs once in every four years, the country being divided into four sections, that the bidders shall be held responsible for their bids until the route is occupied by either the successful bidder or those who are indicated by the Department, and until it is being successfully operated. That has been found to be provocative of failure and largely against the interests of the local bidders. As an illustration, the bids are opened in February or March and the lowest bidder is duly notified that his bid is accepted. The other bidders, ten, twelve, or twenty in number, knowing that the lowest bid has been accepted, sell out their stock, abandon all intention of doing mail work, and go into other occupation. The lowest bidder fails to do the work. Then, under the present statute, the next lowest bidder takes it up, and the original bidder is held responsible only for the difference between his bid and the next bid. If this is repealed, the general statute will require the successful bidder and his security, when the route is relet, to pay the difference between the reletting and his rate. The Department is of opinion that this will be productive of a better service, and the experience has been an experience of failure instead of success.

The next section refers to the deposit of a 5 per cent. check or drafts against bids on routes over \$5,000. If the bidder fails he pays the difference between his bid and the bid next to his, in addition to the forfeiture of the check. That has not worked successfully, for the reason that in the country sections, local bidders, while they can get satisfactory sureties for the faithful performance of the service, are sometimes unable to get friends to put up the 5 per cent. on bids over \$5,000. There are sometimes ten or fifteen bidders on a route. This law holds up in the Post-Office Department for four, five, or six months, this body of checks to the great inconvenience of every unsuccessful bidder. The officers of the Department assert unqualifiedly that the repeal of these two

sections will be in the interest of a better service and in the interest of competition among local bidders at the termini of the routes.

Mr. PERKINS. Mr. Speaker, just a word by way of supplement to what the gentleman from Pennsylvania has said, and in illustration of how the present law works. A constituent of mine was one of the bidders for a star-route service. He was notified that the lowest bidder was the successful one and that his own bid was not accepted. After receiving that notification he disposed of his stock, his horses and wagons, and all the stock that he had prepared for the carrying of the mail, and engaged in other business; and now he is notified that the lowest bidder has failed to carry out his contract and that he is required to take up the work. If this requirement is enforced it will involve a sacrifice on his part of several thousand dollars.

Mr. SAYERS. Is not that a general rule of the Department?

Mr. PERKINS. It is the law, and this bill proposes to change the law in that particular, which certainly ought to be done.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. BINGHAM moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

By unanimous consent, the House bill (H. R. 9794) of like purport was laid on the table.

SNOWDON & MASON.

The SPEAKER also laid before the House a bill (S. 1195) for the relief of Snowdon & Mason.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the claims of Snowdon & Mason for further compensation for the construction of the iron-clad monitors Manayunk and Umpqua may be submitted by said claimants, within six months after the passage of this act, to the Court of Claims, under and in compliance with the rules and regulations of said court; and said court shall have jurisdiction to hear and determine and render judgment upon the same: Provided, however, That the investigation of said claim shall be made upon the following basis: The said court shall ascertain the additional cost which was necessarily incurred by the contractors for building the iron-clad monitors Manayunk and Umpqua, in completion of the same, by reason of any changes or alterations in the plans and specifications required, and delays in the prosecution of the work: Provided, That such additional cost in completing the same, and such changes or alterations in the plans and specifications required, and delays in the prosecution of the work, were occasioned by the Government of the United States; but no allowance for any advance in the price of labor or material shall be considered unless such advance occurred during the prolonged term for completing the work rendered necessary by delay resulting from the action of the Government aforesaid, and then only when such advance could not have been avoided by the exercise of ordinary prudence and diligence on the part of the contractors: And provided further, That the compensation fixed by the contractors and the Government for specific alterations in advance of such alterations shall be conclusive as to the compensation to be made therefor: Provided, That such alterations, when made, complied with the specifications of the same as furnished by the Government aforesaid: And provided further, That all moneys paid to said contractors by the Government over and above the original contract price for building said vessels shall be deducted from any amounts allowed by said court by reason of the matters hereinbefore stated: And provided further, That if any such changes caused less work and expenses to the contractors than the original plan and specifications a corresponding deduction shall be made from the contract price, and the amount thereof be deducted from any allowance which may be made by said court to said claimants.

The SPEAKER. The question is upon ordering the bill to a third reading.

Mr. HOLMAN. Mr. Speaker, is not that bill subject to consideration in Committee of the Whole?

The SPEAKER. The Chair thinks not.

Mr. HOLMAN. It provides for an appropriation.

The SPEAKER. It does not.

Mr. HOLMAN. It contemplates an appropriation.

The SPEAKER. The Chair thinks not.

Mr. HOLMAN. The last clause of the bill certainly contemplates that something shall be paid, because it provides that the sum heretofore paid shall be deducted.

The SPEAKER. The Chair understands this to be the same as the bill heretofore passed upon by the Chair and by the House.

Mr. THOMAS. Mr. Speaker, this is the same kind of a bill that the Committee on War Claims have reported and that is now on the Calendar. It is exactly similar to the McKay bill. It involves no appropriation whatever. It submits the case to the court under all the safeguards that it is possible to provide. The fact is, as the gentleman from Indiana [Mr. HOLMAN] will probably recollect, that in the building of these monitors the Government stopped the work repeatedly, thereby causing great delay and great expense to the contractors. They tore down and retore down and rebuilt those vessels. It was pretty much like making a contract for the building of an ordinary house, and then compelling the contractor to tear it down and build this Capitol. Apart from the delay, the expense was greatly increased. There was a great rise in material. Iron rose from \$65 to \$200 a ton, and wages from \$2.50 to \$5 or \$6 per day. All these elements enter into the question of damages. These parties have been seriously damaged by the action of the United States. The Selfridge board had this case submitted to them, and they allowed this claim.

Mr. HOLMAN. Then this is a claim that has been already acted upon by the proper board?

Mr. THOMAS. This is one of the claims that a proper board has

acted upon, and that board found that the Government was indebted to these parties.

Mr. HOLMAN. And that amount was paid?

Mr. THOMAS. No, it never was paid. That is the trouble. It never has been paid or allowed. The Selfridge board was a board organized by the Senate, and it inquired into these claims.

Mr. HOLMAN. That Selfridge board was never recognized.

Mr. THOMAS. Well, there was no other board that was authorized to pay anything.

Mr. HOLMAN. Now, as to the matters to which my friend from Wisconsin [Mr. THOMAS] refers, the extension of the time, and so on, all that was provided for in the contracts in these cases.

Mr. THOMAS. The gentleman from Indiana will find that this bill submits the question fairly and squarely to the court whether the Government ought to pay these parties the damage actually suffered by reason of its own changes of plan, damages which the Selfridge board, a tribunal organized by the Secretary of War under a resolution of the Senate, decided ought to be paid. That board was organized by the Secretary of War and was composed of some of the very best officers of the United States. They, after careful examination, allowed this claim; but the Senate and the Committee on War Claims of the House believed it due to the Government of the United States that instead of appropriating the amount allowed by the Selfridge board this case should go into court and the parties be required to prove their claim by competent evidence under the safeguards provided in this bill, which are the same as those that have been provided in the McKay bill and similar bills.

Mr. HOLMAN. How did it happen that this case did not go before the Marchand board?

Mr. THOMAS. Well, it was not presented to that board, I believe, because it was recognized that the board would not take cognizance of any of these cases. The Marchand board construed the law under which they were organized so as not to admit any of these claims. But the Selfridge board examined the facts in the case, and, as I can show to the gentleman by their report, allowed all that is claimed in this case.

Mr. HOLMAN. It will readily be seen that the Government is at a great disadvantage in going before the Court of Claims after twenty-five or thirty years.

Mr. THOMAS. The Government ought never to be afraid to go into the Court of Claims to adjudicate a claim which has been recognized and sanctioned by regular naval boards after careful investigation. The advantage on the side of the Government is this: that it is proposed, instead of appropriating the amount allowed by the board, that these parties be compelled to prove their damages before the court.

Mr. HOLMAN. Certainly the Government is placed at great disadvantage in meeting such a claim after twenty-five or twenty-eight years, when the witnesses may be dead.

Mr. KERR, of Iowa. I wish to ask whether this bill is identical with a House bill that has been favorably reported?

Mr. THOMAS. It is, in every particular.

Mr. KERR, of Iowa. Then I suppose no point of order can be made against it.

The SPEAKER. The question is on ordering the bill to a third reading.

The question being taken, it was determined in the affirmative; there being on a division (called for by Mr. HOLMAN)—ayes 59, noes 22.

The bill was read the third time, and passed.

The SPEAKER. If there be no objection, House bill No. 7245, identical in its provisions with the Senate bill just passed, will be laid on the table.

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced that the Senate insisted on its disagreement to the House amendments to the bill (H. R. 789) opening to settlement a portion of the Fort Randall military reservation in South Dakota, agreed to the request for a conference on the disagreeing votes thereon, and had appointed Mr. PLUMB, Mr. PADDOCK, and Mr. PARSONS conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment the bill (H. R. 8715) granting a pension to Rhoda Buck.

The message further announced that the Senate had passed with amendment the bill (H. R. 10265) to authorize the construction of a bridge across the Altamaha River, asked a conference with the House thereon, and had appointed Mr. VEST, Mr. SAWYER, and Mr. DOLPH conferees on the part of the Senate.

The message further announced that the Senate had passed with amendment, in which concurrence was requested, the bill (H. R. 10086) granting leaves of absence to clerks and employes in first and second class post-offices.

The message further announced that the Senate agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the House to bills of the following titles:

A bill (S. 1840) granting a pension to Sallie Douglass Hartranft; and

A bill (S. 4) authorizing the establishment of a public park in the District of Columbia.

The message further announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 573) granting an increase of pension to Mark F. Carter;

A bill (S. 712) for the relief of Stockbridge tribe of Indians in the State of Wisconsin;

A bill (S. 3270) for the relief of the administratrix of the estate of George W. Lawrence; and

A bill (S. 3397) for the purchase of George B. Matthews's portrait of John Paul Jones.

MOBILE, JACKSON AND KANSAS CITY RAILROAD.

The SPEAKER, as the next business on the Speaker's table, laid before the House the bill (S. 3798) to authorize the Mobile, Jackson and Kansas City Railroad Company to cross certain rivers in the State of Missouri.

The Clerk proceeded to read the bill.

Mr. CLARKE, of Alabama (interrupting the reading). Mr. Speaker, this is a bridge bill in the ordinary form, and I ask that the further reading be dispensed with.

There being no objection, the reading was dispensed with.

The bill was ordered to a third reading, read the third time, and passed.

The SPEAKER. In the absence of objection, House bill No. 11062, identical in its provisions with the Senate bill just passed, will be laid on the table.

There was no objection.

LOUISVILLE AND PORTLAND CANAL BASIN.

The SPEAKER, as the next business on the Speaker's table, laid before the House the bill (S. 3801) authorizing the use of the Louisville and Portland Canal basin on certain conditions.

The bill was read, as follows:

Be it enacted, etc., That the written contract by and between the city of Louisville, the Louisville and Portland Canal Company, and John P. Byrne, made in the year 1870, under which the firm of Byrne & Speed, of Louisville, Ky., constructed a basin on the south side of the Louisville and Portland Canal, above Fifteenth street, and also erected buildings, with elevator machinery therein, on land then the property of the Louisville and Portland Canal Company, now the property of the United States, is ratified and confirmed, subject, however, to the following modifications and provisions, to wit: Byrne & Speed, their assigns and grantees, are hereafter to pay to the United States of America, for the use of the land, an annual rental of \$250, to be paid semi-annually, through the officer in charge of the canal.

They shall not erect any additional buildings of any kind, but may keep in repair those now standing, or may reconstruct them or any part thereof, in case of destruction by fire or from other cause.

Sec. 2. That when, in the opinion of the Secretary of War, the use of said basin or buildings shall become prejudicial to the canal or its use, he shall detail a commission of not less than three nor more than five officers of the Engineer Corps of the United States Army, with orders to assemble in Louisville, and to decide whether the use of the said basin or buildings is prejudicial to the canal or its use.

Said commission shall cause notice to be given to Byrne & Speed, or their assigns, of the time and place of their sitting, and shall, after hearing any evidence offered by Byrne & Speed, or by the officer representing the Government, proceed to hear and determine the matter submitted to them, and if they find that the use of the said basin or buildings is prejudicial to the canal or its use, they will also assess and find the value of the excavation and masonry of the basin made and erected by Byrne & Speed in the construction of said basin, and upon the payment or tender by the Secretary of War of the sum so fixed Byrne & Speed shall remove within six months their buildings from the canal property, discontinue the use of said basin, and relinquish all claims under the above-mentioned contract.

A copy of the finding of the commission shall be furnished to Byrne & Speed, or their assigns.

Sec. 3. That the ratification provided in this act shall not take effect unless within ninety days from its passage Byrne & Speed shall file with the Secretary of War their written acceptance of its provisions, and in the event Byrne & Speed, or their assigns, shall at any time fail for the space of six months to pay any installment of rent due under this act their right to occupy the property herein mentioned shall at once cease.

The bill was ordered to a third reading.

Mr. BUCHANAN, of New Jersey. I would like to hear some explanation of the bill. It seems to make a contract between the Government and some private parties.

Mr. ANDERSON, of Kansas. From what committee does it come?

Mr. CARUTH. This bill has passed the Senate. A similar House bill has been considered by the Committee on Rivers and Harbors of the House and favorably reported. The passage of this measure is recommended by the Chief Engineer of the United States Army and by the engineer in charge of the work at Louisville. There has been a dispute as to the title of this property, and this bill is designed to settle that dispute. The measure has the approval of all the Government officers having cognizance of the matter.

Mr. BUCHANAN, of New Jersey. Let me call the gentleman's attention to that part of the bill which provides that the measure shall not take effect until its provisions are accepted by certain parties.

Mr. CARUTH. By Byrne & Speed.

Mr. BUCHANAN, of New Jersey. Will not that acceptance operate to create a contract between them and the United States which Congress can not repeal?

Mr. CARUTH. It will not, except so far as the provisions of this bill are concerned. The bill which I originally introduced in this

House was sent to the War Department. That Department prepared the present bill, and has submitted it for the approval of Congress. It has also been favorably considered by the Committee on Rivers and Harbors.

Mr. BUCHANAN, of New Jersey. Was the bill drawn by a warrior or a lawyer? [Laughter.]

Mr. CARUTH. I do not know.

The bill was ordered to a third reading, read the third time, and passed.

The SPEAKER. If there be no objection, House bill No. 8549, identical in its provisions with the Senate bill just passed, will be laid on the table.

There was no objection.

DEFICIENCY APPROPRIATION BILL.

The SPEAKER. The Chair desires to announce that the gentleman from Kentucky [Mr. BRECKINRIDGE], who was appointed as one of the conferees on the deficiency appropriation bill, will be absent; and, without objection, the Chair will appoint in his place the gentleman from Georgia [Mr. CLEMENTS].

BOOK-MAKING AND POOL-SELLING IN THE DISTRICT OF COLUMBIA.

The SPEAKER, as the next business on the Speaker's table, laid before the House the bill (S. 3830) to prohibit book-making of any kind and pool-selling in the District of Columbia for the purpose of gaming.

The bill was read, as follows:

Be it enacted, etc., That it shall be unlawful for any person or persons, or association of persons, in the District of Columbia, to bet, gamble, or make books and pool on the result of any trotting race of running race of horses, or boat race, or race of any kind, or on any election, or contest of any kind.

Sec. 2. That any person or persons, or association of persons, violating the provisions of this act shall be fined not exceeding \$500 nor less than \$25, or be imprisoned not more than ninety nor less than thirty days, or both, at the discretion of the court: *Provided*, That this act shall not interfere with the right of the Washington Jockey Club, duly organized under the laws of the District of Columbia, or any other regular organizations owning race tracks not less than 1 mile in length, and grounds of not less than 75 acres in extent, located within the District of Columbia, to make books and sell pools at their semi-annual or special meetings. The right to make books and sell pools by such organizations shall be on their grounds, and only on the days of their spring and fall meeting.

The bill was ordered to a third reading, read the third time, and passed.

The SPEAKER. If there be no objection, House bill No. 10388, identical in its provisions with the Senate bill just passed, will be laid on the table.

There was no objection.

EAGLE PASS WATER-SUPPLY COMPANY, ETC.

The SPEAKER, as the next business on the Speaker's table, laid before the House the bill (S. 3852) to authorize the Eagle Pass Water-Supply Company and the Compañía Proveedora de Aguas de Ciudad Porfirio Diaz to connect their water-works communications across the Rio Grande River at Eagle Pass, Tex.

The bill was read, as follows:

Be it enacted, etc., That the Eagle Pass Water-Supply Company, a corporation organized and created under and by virtue of the laws of the State of Texas, and the Compañía Proveedora de Aguas de Ciudad Porfirio Diaz, created under and by virtue of the laws of the State of Coahuila, one of the states of the Republic of Mexico, be, and are hereby, authorized and empowered to construct, own, maintain, and operate their water connection by tubes, or otherwise, across the Rio Grande River, between the city of Eagle Pass, in the State of Texas, and the city of Porfirio Diaz, formerly known as Piedras Negras, in the state of Coahuila, in the Republic of Mexico, as may be most convenient to said corporations: *Provided*, That said connection shall not interfere with the free navigation of said river, and in case of any litigation arising from an obstruction, or alleged obstruction, to the free navigation thereof, caused, or alleged to be caused, by said connection of their water pipes or hydraulic connections, the case may be tried before the district court of the United States for the western district of Texas: *And provided also*, That Congress reserves the right to withdraw the power and authority conferred by this act in case the free navigation of the river shall at any time be substantially or materially obstructed by said connections or pipes, or for any other reasons, and to direct the removal of said pipes or connections, or necessary modifications thereof, at the cost and expense of the owners of said pipes or connections, and Congress may at any time alter, repeal, or amend this act: *And provided further*, That the consent of the Mexican state of Coahuila and of the proper authorities of the Republic of Mexico shall have been obtained before the establishment of said pipes and connections.

Mr. CRAIN. I ask the present consideration of this bill.

The SPEAKER. It is not necessary. The bill is before the House.

Mr. KERR, of Iowa. Is this bill identical with a House bill which has been favorably reported?

The SPEAKER. It is.

The bill was ordered to a third reading, read the third time, and passed.

The SPEAKER. In the absence of objection, House bill No. 6966, identical in its provisions with the Senate bill just passed, will be laid on the table.

There was no objection.

BRIDGE ACROSS THE ILLINOIS RIVER.

The SPEAKER also laid before the House the bill (S. 3895) to amend an act entitled "An act to establish a railway bridge across the Illinois River, extending from a point within 5 miles of Columbiana, in Greene County, to a point within 5 miles of Farrowtown, in Calhoun County, in the State of Illinois," approved March 3, 1883.

Mr. WIKE. Mr. Speaker, I ask unanimous consent that the reading of this bill be dispensed with. It is in the ordinary form of a bridge bill.

Mr. KERR, of Iowa. I make the point of order that no motion has been made or authorized in regard to the bill by any committee of the House.

The SPEAKER. The Chair understands that this bill was retained on the table at the request of the committee.

Mr. WIKE. And is identical with the House bill.

The SPEAKER. The Chair will state further, that in no instance have bills been put on the table except where it was understood that such was the case.

In the absence of objection, the reading of the bill will be dispensed with, and the question is on ordering the bill to be read a third time.

There being no objection, the bill was ordered to a third reading; and being read the third time, was passed.

The bill H. R. 10270, of the same title, was ordered to be laid on the table.

BRIDGE ACROSS THE ALABAMA RIVER.

The SPEAKER also laid before the House the bill (S. 3952) to authorize the construction of a bridge across the Alabama River, at or near Selma, Ala., by the Selma and Cahawba Valley Railroad Company.

The SPEAKER. The Chair would inquire if this is also in the ordinary form of bridge bills.

Mr. HERBERT. It is.

The SPEAKER. In the absence of objection, the reading of the bill will be dispensed with.

There was no objection, and it was so ordered.

The bill was ordered to a third reading; and being read the third time, was passed.

Mr. HERBERT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The House bill of the same title will be laid upon the table.

CANAVERAL AND SOUTH FLORIDA RAILROAD COMPANY.

The SPEAKER also laid before the House the bill (S. 4011) to authorize the Canaveral and South Florida Railroad Company to construct and maintain a bridge across the Indian River and one across the Banana River, both in the State of Florida, and to establish the same, in each case, as a post-road.

Mr. DAVIDSON. Mr. Speaker, this is the ordinary form of bridge bill.

The SPEAKER. Without objection, the reading will be dispensed with.

There was no objection, and it was so ordered.

The bill was ordered to a third reading; and being read the third time, was passed.

The SPEAKER. The House bill of the corresponding title will be laid upon the table.

SENECA NATION OF NEW YORK INDIANS.

The SPEAKER also laid before the House the bill (S. 4297) to authorize the Seneca Nation of New York Indians to lease lands within the Cattaraugus and Allegany reservations, and to confirm existing leases.

The bill was read, as follows:

Be it enacted, etc., That whenever the leases of land situate within the limits of the villages mentioned in the act of Congress entitled "An act to authorize the Seneca Nation of New York Indians to lease lands within the Cattaraugus and Allegany reservations, and to confirm existing leases," approved February 19, 1875, except leases to railroads, shall by the terms of said act be renewable, the same shall be renewable for a term not exceeding ninety-nine years, instead of the term of twelve years, as therein provided, subject to all other terms and conditions of said act.

Mr. ANDERSON, of Kansas. I would like to know something about that bill before it is put on its passage.

Mr. HOLMAN. I think the bill ought to go to the Committee on Indian Affairs. I make that motion.

Mr. PERKINS. I will say, Mr. Speaker, that the House committee considered a like bill and reported it favorably. The circumstances are better known and understood by the gentleman who represents the district [Mr. LAIDLAW]; but he does not seem to be in his seat at present. The committee, however, gave this matter careful consideration.

Under the existing law these Indians are authorized to make leases of their lands for a shorter period of time than that provided for in the bill. There is a large growing town situated on the reservation, and they occupy grounds under leases that are authorized by existing law. But the limited period for which leases can be made restricts in a great measure, as they claim, the growth and development of the city. They say that parties are not willing to invest the necessary money to establish manufacturing activities and enterprises of like character on the ground with the limit that the leases are confined to under existing law.

Mr. ANDERSON, of Kansas. What is the limit?

Mr. PERKINS. My recollection is twelve years.

Mr. ANDERSON, of Kansas. What is the increase proposed?

Mr. PERKINS. This increases it to ninety-nine years.

The committee thought it to be in the interest of the Indians themselves, as well as in the interest of the people who are living in the town, now growing rapidly, as well as for the interest of all parties concerned, to authorize these leases.

I will say that this is a terminus or end of a division of the New York Central, or a branch of the New York Central road, and is a very important railroad center.

Mr. CHEADLE. Let me ask the gentleman a question. How are these leases to be readjusted, or is any provision made for that?

Mr. PERKINS. My recollection is that there is no provision in the bill for the readjustment of the leases.

Mr. CHEADLE. There ought to be a readjustment periodically after a certain number of years, I think.

Mr. PERKINS. No such provision was in the House bill, and my recollection is that there is none in the Senate bill.

Mr. JOSEPH D. TAYLOR. That can be provided by contract.

Mr. PERKINS. That can be provided by contract, as suggested by the gentleman from Ohio, and the committee did not deem it necessary to insert such a provision.

Mr. HOLMAN. Has the gentleman any information as to the views of the Indians in regard to the leases for ninety-nine years, and also on the readjustment question?

Mr. PERKINS. The gentleman from Indiana made the same inquiry. The bill does not provide for it, but, as suggested by the gentleman from Ohio, it can be provided for in the leases or contracts. The committee thought it unnecessary to insert such a provision in the House bill.

Mr. HOLMAN. But my inquiry was as to the views of the Indians themselves.

Mr. PERKINS. They are a bright people, and had intelligent representatives before the committee. They seem to be living almost entirely, perhaps to their own misfortune, on the rents or annuities they receive from the lands.

Mr. ANDERSON, of Kansas. What is the size of the town?

Mr. PERKINS. It has now some fifteen or eighteen thousand inhabitants.

Mr. KERR, of Iowa. I make the point of order that there has been no motion made by the Committee on Indian Affairs to substitute the Senate bill for the House bill. I think that is necessary as a guaranty of safe legislation.

The SPEAKER. The Chair thinks the gentleman should make the point prior to the discussion, and not afterwards.

Mr. KERR, of Iowa. I think there has never been any consent asked by the Chair up to this time.

The SPEAKER. It is not necessary that the Chair should submit the request.

Mr. KERR, of Iowa. But if the gentleman from Kansas will say that this is identical with the House bill I will make no further objection.

Mr. PERKINS. It is the same; but the House committee has taken no action since the bill passed the Senate, and so I have not been authorized to ask this action on the part of the House. The House committee, however, considered the bill carefully before reporting it.

The SPEAKER. Does the gentleman from Iowa insist?

Mr. KERR, of Iowa. I withdraw my point of order.

The SPEAKER. The point of order is withdrawn and the question is on the third reading of the bill.

The bill was ordered to a third reading; and was accordingly read the third time, and passed.

The House bill of similar import was ordered to lie on the table.

BRIDGE ACROSS THE ARKANSAS RIVER AT DARDANELLE, ARK.

The SPEAKER also laid before the House the bill (S. 4334) to authorize the building of a bridge at Dardanelle, Ark., across the Arkansas River.

Mr. PEEL. Mr. Speaker, I understand that the House committee have reported a bill precisely similar to that; therefore I ask that the reading be dispensed with.

Mr. BAKER. The committee have reported a similar bill, and have instructed me to ask that this bill be substituted for it and passed, as it is the same as the House bill.

There being no objection, the first formal reading of the bill was dispensed with.

The bill was ordered to a third reading; and was accordingly read the third time, and passed.

The House bill of similar import was ordered to lie on the table.

THE PORTLAND COMPANY.

The SPEAKER also laid before the House the bill (S. 473) for the relief of the Portland Company, of Portland, Me.

The bill was read, as follows:

Be it enacted, etc., That jurisdiction is hereby conferred upon the Court of Claims to inquire into and determine how much the steam-machinery built for the United States vessels *Agawam* and *Pontoonuc* by the Portland Company, of Portland, Me., under its contracts with the Navy Department in August, 1862,

cost the said contractor over and above the contract price and allowances for extra work, for which payment has been made, and to enter judgment in favor of said Portland Company for the same: *Provided*, That the judgment shall not exceed the sum allowed by the board convened in pursuance of a resolution of the Senate of the United States, dated March 9, 1855, of which Thomas O. Selfridge was the president, the said allowance being set forth in Senate Executive Document No. 18, Thirty-ninth Congress, first session, and stated at \$30,857.46.

Sec. 2. That at the hearing or on the trial of any suit or suits so commenced either party, plaintiff or defendant, shall have the right to use before the court any testimony or documents which may be relative to or competent upon the issues joined between the parties, and that the proceedings, trial, decision, and judgment of the said court shall be had in the same manner as in all other cases before the said Court of Claims, and have the same effect; and that either party, plaintiff or defendant, may appeal from the decision or judgment of the said Court of Claims to the Supreme Court of the United States in the same manner as is now provided for in other cases.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

The House bill of similar import was ordered to lie on the table.

NEW YORK INDIAN LANDS IN KANSAS.

The SPEAKER also laid before the House the bill (S. 497) to provide for the sale of certain New York Indian lands in Kansas.

The Clerk read as follows:

Be it enacted, etc., That those persons, being heads of families or single persons over twenty-one years of age, who have made settlement and improvement upon, and are bona fide claimants and occupants of, either in person or by tenant, the lands in Kansas which were allotted to certain New York Indians, and for which certificates of allotment, dated the 14th day of September, 1860, for 320 acres of land each, were issued to thirty-two of said Indians, shall be, and hereby are, authorized and permitted to enter and purchase at the proper land office, at any time within one year from the passage of this act, said lands so occupied by them, in tracts not exceeding 160 acres, according to the Government surveys, at \$2.50 per acre, payment to be made in cash at time of purchase; and the moneys arising from such sales shall be paid into the Treasury of the United States, in trust for and to be paid to said Indians, respectively, to whom said certificates were issued, or to their heirs, upon satisfactory proof of their identity to the Secretary of the Interior, at any time within five years from the passage of this act; and in case such proof is not made within the time specified, then the proceeds of such sale, or so much thereof as shall not have been paid under the provisions of this act, shall become a part of the public moneys of the United States.

Sec. 2. That any lands not entered by such settlers at the expiration of twelve months from the passage of this act shall be offered at public sale, in the usual manner, at not less than \$3 per acre, notice of said sale to be given by public advertisement of not less than thirty days; and any tract or tracts not then sold shall be thereafter subject to private entry at \$3 per acre.

Sec. 3. That all acts and parts of acts inconsistent herewith are hereby repealed.

The SPEAKER. The question is on the third reading of the bill.

Mr. HOLMAN. I move the reference of this bill to the Committee on Indian Affairs. I do not think a bill like that ought to pass, fixing so low a price upon land as \$2.50 an acre. I do not think so small a price as that is just to the Indians. The land is undoubtedly worth a great deal more.

Mr. PERKINS. Mr. Speaker, I would like to suggest to the gentleman from Indiana [Mr. HOLMAN] that these settlers have been in possession of these lands for a quarter of a century, and have been trying from year to year to get this matter adjusted. There is not a particle of objection on the part of the Indians or their friends to the provisions of this bill. The matter has been reported by the Committee on Indian Affairs of the House at least six times, and all who are familiar with the circumstances recognize not only the propriety but the necessity of this legislation.

Mr. HOLMAN. The bill has always been objected to upon the ground that it manifestly did the Indians an injustice. These lands, I suppose, are worth from \$10 to \$20 an acre, and the proposition is to sell them for \$2.50 an acre.

Mr. PERKINS. But the adjoining land was sold to settlers, at the time the settlers occupied this land, for \$1.25 an acre.

Mr. HOLMAN. Certainly; but that was Government land, and this land is the property of the Indians.

Mr. PERKINS. There is a very grave question whether this is not Government land, and whether these certificates have any validity whatever, but the Committee on Indian Affairs, recognizing that these Indians had an equity, have at all times reported in favor of paying them what seems fair and right for the land. The gentleman from Arkansas [Mr. PEEL] will verify the statement that I have made. When he was chairman of the Committee on Indian Affairs a similar bill was reported favorably by the committee, and it has been reported repeatedly.

Mr. PEEL. I desire to say to my friend from Indiana [Mr. HOLMAN] that after a careful investigation of this case I came to the conclusion that the Indians really had no title that they could enforce.

Mr. HOLMAN. The Government has been recognizing their title for these thirty years.

Mr. PEEL. They only have the right of occupancy. Under the certificates they could only occupy the land. The present surroundings are of such a character that it is impossible for them to do that. Therefore it is proper that whatever can be got for the lands should be paid over for the benefit of the Indians and their descendants.

Mr. HOLMAN. At the same time the Indians ought to have the benefit of the full value of the lands.

Mr. PEEL. I do not remember the exact price fixed in the former bill.

Mr. HOLMAN. I think that no one will pretend to say that lands

in that part of Kansas, situated as they are situated, are only worth \$2.50 an acre.

Mr. PEEL. We thought the price fixed then was very fair, considering the poor title the Indians have.

Mr. HOLMAN. The Government is recognizing the title of the Indians now, and has always recognized it.

Mr. PERKINS. The amount fixed in the bill gives these Indians the value of these lands when the settlers located upon them, and almost 5 per cent. interest per annum from that time until the present time.

Mr. HOLMAN. That is to say, Government lands were then held at \$1.25 an acre for the purpose of encouraging settlement, but these Indians stand on a different footing. This is their property, and they have a right to have a fair price for it.

Mr. LANSING. How came the settlers to occupy these lands in the first place?

Mr. PERKINS. At one time the Secretary of the Interior issued his proclamation declaring them to be public lands, and it was at that time that the settlers located there.

The SPEAKER. The question is on the motion of the gentleman from Indiana [Mr. HOLMAN] to refer this bill to the Committee on Indian Affairs.

The motion was rejected.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

The House bill of similar import was ordered to lie on the table.

WASHINGTON IRON-WORKS.

The SPEAKER also laid before the House the bill (S. 1187) for the relief of the Washington Iron-Works.

The bill was read, as follows:

Be it enacted, etc., That jurisdiction is hereby conferred upon the Court of Claims to inquire into and determine how much the steam machinery built for the United States vessel *Leuspee* by the Washington Iron-Works, under its contract with the Navy Department, cost the said contractor over and above the contract price and allowances for extra work, and to enter judgment in favor of George M. Clapp, of the Washington Iron-Works, for the same: *Provided*, That the judgment shall not exceed the sum allowed by the board convened in pursuance of a resolution of the Senate of the United States, dated March 9, 1855, of which Thomas O. Selfridge was the president, the said allowance being set forth in Senate Executive Document No. 18, Thirty-ninth Congress, first session.

Sec. 2. That at the hearing or on the trial of any suit so commenced either party, plaintiff or defendant, shall have the right to use before the court any testimony or documents which may be relevant to and competent upon the issues joined between the parties, and that the proceedings, trial, decision, and judgment of the said court shall be had in the same manner as in all other cases before the said Court of Claims, and have the same effect; and that either party, plaintiff or defendant, may appeal from the decision or judgment of the said Court of Claims to the Supreme Court of the United States in the same manner as now provided for in other cases.

Mr. BUCHANAN, of New Jersey. Mr. Speaker, I think the House ought to have some explanation of this bill. There seems to be a crop of them.

Mr. HOLMAN. Mr. Speaker, I make the point of order that this bill should receive its consideration in Committee of the Whole.

Mr. THOMAS. Mr. Speaker, this bill is identical with the House bill reported by the Committee on War Claims. There is no appropriation in it. It is simply a bill to permit them to go to the Court of Claims, and provides that the claim shall be presented to the Court of Claims.

The facts out of which this bill arises, Mr. Speaker, are the same as those of the Portland Company, or almost identical with them, that passed the House a few minutes ago. These parties entered into a contract—I say entered—they were compelled to enter into a contract. The Government said: "If you do not take the contract we will take possession of your works and construct this engine ourselves." They were assured by the Chief Engineer, whose testimony I have here, that the weight of the engine should not exceed by 15 per cent. that of the Paul Jones. When the drawings and specifications were completed the engine was figured out as exceeding by 66 per cent. the weight of the engines of the Paul Jones. There was the usual delay in this as in all of those cases, the party being compelled to hold their machinery in their yards, and all their men during this time, when there was a great increase of wages.

This case was submitted to the Selfridge board, a board which was organized by the Secretary of War, and they found that this was in every way fair, straight, and honest, and made the allowance of what these parties claim; and this bill provides that the court shall not allow an amount to exceed the amount then found to be due them.

Mr. ANDERSON, of Kansas. How much was that?

Mr. THOMAS. That allowance was \$29,164.24. This submits the facts in the case to the Court of Claims, the same as in the other cases that have been passed here. [Cries of "Vote!" "Vote!"]

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

The bill (H. R. 5888) for the same purpose was ordered to be laid on the table.

POSTMASTERS' BONDS.

The SPEAKER also laid before the House the bill (S. 4039) to amend sections 3834, 3836, and 3837 of the Revised Statutes, and for other purposes.

The bill was read at length, for information.

Mr. HOLMAN. I hope there will be some explanation of this bill. It is a fairly good bill, but I hope there will be some explanation of it. I did not hear the first part of the bill read.

The SPEAKER. It is a bill within the jurisdiction of the Committee on the Post-Office and Post-Roads.

Mr. HOLMAN. But that committee is not authorized to report at any time.

Mr. BLOUNT. Is that a House bill?

The SPEAKER. It is a Senate bill, similar to a House bill.

Mr. BLOUNT. I hope it will be passed over for the present.

Mr. HEMPHILL. I think the chairman of the Committee on the Post-Office and Post-Roads is temporarily absent.

The SPEAKER. Without objection, it will be laid aside temporarily.

Mr. BLOUNT. I was not present when the bill was reported, and do not want to give it my indorsement or opposition.

WILLIAM J. MARTIN.

The SPEAKER also laid before the House the bill (S. 4064) for the relief of William J. Martin.

The bill was read, as follows:

Be it enacted, etc., That the claim of William J. Martin, of Oregon, heretofore presented to the War Department, being a balance of \$7,520 alleged to be due and owing to him under his contract for beef-cattle, made with Lieut. G. W. Hawkins in June, 1849, and for the delivery of beef-cattle under such contract for the use of the Army, together with interest on said balance since January 1, 1850, be, and the same is hereby referred to the Court of Claims for adjudication; and said court is directed to ascertain what amount, if any, is due said William J. Martin by reason of and under said alleged contract, and to render judgment therefor, any statute of limitation or prior disallowance by the War Department to the contrary notwithstanding.

Mr. CANNON. Is that a House bill?

The SPEAKER. It is a Senate bill.

Mr. HERMANN. A like bill in substance was reported by the House committee.

Mr. CANNON. Has it ever been considered in the House?

Mr. HERMANN. A similar bill has been reported from the Committee on Claims on identically the same matters pending in the Senate bill, with a unanimous report. It has passed several times in the Senate, and has twice been reported to the House, but was never considered for want of time. It simply submits the matter to the Court of Claims to be adjudicated.

Mr. CANNON. Does the gentleman know that a House bill substantially the same has been reported? Has he examined it?

Mr. HERMANN. I hold the House bill in my hand. I know the party, and know the witnesses to the contract, and I believe that this is a just and honest claim, and ought at least to be adjudicated by the Court of Claims, if not by this House.

Mr. CANNON. That tells how it should be adjudicated. It is one of that class of cases where there ought to be consideration. It annuls the statutes of limitations, goes back a generation, and directs the Court of Claims to pass upon this case, the findings of the War Department to the contrary notwithstanding, on a claim that originated in 1864, and that has been fully heard and rejected by the War Department. Now, I do not think that it ought to pass in this body, and I think it should go to the committee.

Mr. HERMANN. I will state in answer to the gentleman that the report of the committee which I hold in my hand is in some respects similar to the Senate report. It sets forth in detail all the facts, showing why it was not earlier considered; showing the difficulties that they have been put to and the peculiar hardships which attached to this particular case. For years and years the party has been endeavoring to get testimony which is essential, and he has now succeeded in obtaining it. The officer who made the contract went insane, and it was thus impossible to supply the vouchers; therefore the War Department declined to consider the case. They have now obtained numerous affidavits and corroborative testimony, and that is set forth in the report.

The bill has been three times passed by the Senate and sent to this House at different sessions of Congress. It has been twice considered by the Committee on Claims of this House, and considered there and reported at two different sessions of this House—at the last session of the Fiftieth Congress and again in this session. There was no difference of opinion whatever, so far as the Committee on Claims of this House was concerned, and there is no difficulty with the position of the Senate. I know the old man; know he has been made poor for many years owing to the loss that he had sustained by the amount invested in this claim. I know that an appropriation should be made now, but inasmuch as other claims similar to this have been referred to the Court of Claims I think this should take the same course.

Mr. CANNON. What is the amount of the claim?

Mr. HERMANN. Seven thousand five hundred dollars.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

The House bill of a similar title was ordered to be laid on the table.

The SPEAKER. The Chair observes that the gentleman from Pennsylvania [Mr. BINGHAM] is now present, and the Chair calls his attention to Senate bill No. 4039, in relation to postmasters' bonds, which was laid aside awhile ago.

Mr. HOLMAN. I hope the gentleman will explain the effect of this bill, especially as to the assistant postmasters provided for.

Mr. BINGHAM. Mr. Speaker, I merely desire to state that this Senate bill has never been acted upon by the House Committee on the Post-Office and Post-Roads, and therefore, the proper disposition of it would be to refer it to the committee. I am not authorized to speak for the committee in regard to the provisions of the bill, because they have not yet been acted upon by the committee.

Mr. HOLMAN. Then the point of order is of course good.

The SPEAKER. Of course. The Chair was misinformed. The bill will be referred to the Committee on the Post-Office and Post-Roads.

THE BARK CAMPANERO.

The SPEAKER also laid before the House the bill (S. 4074) to provide an American register for the bark Campanero, of Baltimore, Md. The bill was read, as follows:

Be it enacted, etc., That the Commissioner of Navigation is hereby authorized and directed to cause the bark Campanero, owned and rebuilt at the port of Baltimore, Md., by John M. Bandel & Sons, citizens of the United States, to be registered as a vessel of the United States.

Mr. RUSK. Mr. Speaker, the Senate bill just read is identical with the House bill on the same subject, and I am authorized by the committee to ask for its immediate consideration.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. RUSK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The House bill of like purport was laid on the table.

TRUST, LOAN, AND OTHER CORPORATIONS IN THE DISTRICT.

The SPEAKER also laid before the House the bill (S. 4081) to provide for the incorporation of trust, loan, mortgage, and certain other corporations within the District of Columbia.

The SPEAKER. The Chair understands that the Senate bill is identical with the House bill on the same subject.

Mr. GROUT. Not exactly identical. The House committee propose an amendment.

Mr. PAYSON. Mr. Speaker, I have been advised that this Senate bill is not identical with the bill reported from the House committee.

The SPEAKER. The words of the rule are "substantially identical."

Mr. PAYSON. Well, substantially identical.

Mr. GROUT. This is substantially the same as the House bill.

Mr. PAYSON. Unless the gentleman from Vermont can give assurance in advance that it is and that it complies with the rule there may be objection to the consideration of this bill, and as it is very long, we may save time by settling the question now.

Mr. GROUT. I think it is substantially identical with the House bill. I want to say for the information of gentlemen that the Senate bill has been examined by the subcommittee of the House District Committee having charge of this matter, and who have spent a large amount of time in reporting the original bill, and they think that certain provisions in the Senate bill are an improvement upon the House bill, and they propose to adopt the Senate bill with two amendments to one section.

Mr. ANDERSON, of Kansas. Mr. Speaker, if this bill is liable to a point of order, I want to raise that point now.

The SPEAKER. Upon the information so far received, the Chair thinks it is not subject to the point of order.

Mr. HEMPHILL. It certainly is not subject to the point of order. The bill was read, as follows:

Be it enacted, etc., That corporations may be formed within the District of Columbia for the purposes hereinafter mentioned in the following manner:

Any time hereafter any number of natural persons, not less than twenty-five, may associate themselves together to form a company for the purpose of carrying on any one of the three classes of business herein specified, to wit:

First. A safe deposit, trust, loan, and mortgage business.

Second. A title insurance, loan, and mortgage business.

Third. A security, guaranty, indemnity, loan, and mortgage business: *Provided*, That the capital stock of any of said companies shall not be less than \$1,000,000: *Provided further*, That any of said companies may also do a storage business when their capital stock amounts to the sum of not less than \$1,200,000.

Sec. 2. That such persons shall, under their hands and seals, execute, before some officer in said District competent to take the acknowledgment of deeds, an organization certificate, which shall specifically state—

First. The name of the corporation.

Second. The purposes for which it is formed.

Third. The term for which it is to exist (which may be perpetual).

Fourth. The number of its directors, and the names and residences of the officers who for the first year are to manage the affairs of the company.

Fifth. The amount of the capital stock and its subdivision into shares.

Sec. 3. That this certificate shall be presented to the commissioners of the District, who shall have power and discretion to grant or to refuse to said persons a charter of incorporation upon the terms set forth in the said certificate and the provisions of this act.

Sec. 4. That previous to the presentation of the said certificate to the said commissioners notice of the intention to apply for such charter shall be inserted in two newspapers of general circulation printed in the District of Columbia at least four times a week for three weeks, setting forth briefly the name of the proposed company, its character and object, the names of the proposed incorporators, and the intention to make application for a charter on a specified

day, and the proof of such publication shall be presented with said certificate when presentation thereof is made to said commissioners.

SEC. 5. That if the charter be granted as aforesaid it, together with the certificate of the commissioners granting the same indorsed thereon, shall be filed for record in the office of the recorder of deeds for the District of Columbia, and shall be recorded by him. On the filing of the said certificate with the said recorder of deeds as herein provided, approved as aforesaid by the said commissioners, the persons named therein and their successors shall thereupon and thereby be and become a body corporate and politic, and as such shall be vested with all the powers and charged with all the liabilities conferred upon and imposed by this act upon companies organized under the provisions hereof: *Provided, however*, That no corporation created and organized under the provisions hereof, or availing itself of the provisions hereof as provided in section 11, shall be authorized to transact the business of a trust company, or any business of a fiduciary character, until it shall have filed with the Comptroller of the Currency a copy of its certificate of organization and charter, and shall have obtained from him and filed the same for record with the said recorder of deeds a certificate that the capital stock of said company has been paid in, and the deposit of securities made with said Comptroller in the manner and to the extent required by this act.

SEC. 6. That all companies organized hereunder, or which shall under the provisions hereof become entitled to transact the business of a trust company, shall report to the Comptroller of the Currency in the manner prescribed by sections 5211, 5212, and 5413, Revised Statutes of the United States, in the case of national banks, and all acts amendatory thereof or supplementary thereto, and with similar provisions for compensating examiners, and shall be subject to like penalties for failure to do so. The Comptroller shall have and exercise the same visitatorial powers over the affairs of the said corporation as is conferred upon him by section 5240 of the Revised Statutes of the United States in the case of national banks. He shall also have power, when in his opinion it is necessary, to take possession of any such company for the reasons and in the manner and to the same extent as are provided in the laws of the United States with respect to national banks.

SEC. 7. That all companies organized under this act are hereby declared to be corporations possessed of the powers and functions of corporations generally, and shall have power, among other things—

First. To make contracts.

Second. To sue and be sued, implead and be impleaded, in any court as fully as natural persons.

Third. To make and use a common seal and alter the same at pleasure.

Fourth. To loan money on first mortgages of real estate.

Fifth. When organized under subdivision 1 of the first section of this act to accept and execute trusts of any and every description which may be committed or transferred to them, and to accept the office and perform the duties of receiver, assignee, executor, administrator, guardian of the estates of minors, with the consent of the guardian of the person of such minor, and committee of the estates of lunatics and idiots whenever any trusteeship or any such office or appointment is committed or transferred to them, with their consent, by any person, body politic or corporate, or by any court in the District of Columbia, or in any of the States or Territories of the United States, and all such companies organized under the first subdivision of section 1 of this act are further authorized to accept deposits of money for the purposes designated herein upon such terms as may be agreed upon from time to time with depositors, and to act as agent for the purpose of issuing or countersigning the bonds or obligations of any corporation, association, municipality, or State, or other public authority, and to receive and manage any sinking fund on any such terms as may be agreed upon, and shall have power to issue its debenture bonds upon deeds of trust or mortgages of real estate to a sum not exceeding the face value of said deeds of trust or mortgages, and which shall not exceed 50 per cent. of the fair cash value of the real estate covered by said deeds or mortgages, to be ascertained by the Comptroller of the Currency. But no debenture bonds shall be issued until the securities on which the same are based have been placed in the actual possession of the trustee named in the debenture bonds, who shall hold said securities until all of said bonds are paid; and when organized under the second subdivision of the first section of this act said company is authorized to insure titles to real estate and to transact generally the business mentioned in said subdivision; and when organized under the third subdivision of section 1 of this act said company is hereby authorized, in addition to the loan and mortgage business therein mentioned, to secure, guaranty, and insure individuals, bodies politic, associations, and corporations against loss by or through trustees, agents, servants, or employees, and to guaranty the faithful performance of contracts and of obligations of whatever kind entered into by or on the part of any person or persons, association, corporation or corporations, and against loss of every kind.

SEC. 8. That in all cases in which application shall be made to any court in the District of Columbia, or wherever it becomes necessary or proper for said court to appoint a trustee, receiver, administrator, guardian of the estate of a minor, or committee of the estate of a lunatic, it shall and may be lawful for said court (but without prejudice to any preference in the order of any such appointments required by existing law) to appoint any such company organized under the first subdivision of section 1 of this act, with its assent, such trustee, receiver, administrator, committee, or guardian, with the consent of the guardian of the person of such minor: *Provided, however*, That no court or judge shall commit by order or decree to any such corporation any trust or fiduciary duty who is an owner of or in any manner financially interested in the stock or business of such corporation.

SEC. 9. That whenever any corporation operating under this act shall be appointed such trustee, executor, administrator, receiver, assignee, guardian, or committee as aforesaid, the president, vice-president, secretary, or treasurer of said company shall take the oath or affirmation now required by law to be made by any trustee, executor, receiver, assignee, guardian, or committee.

SEC. 10. That when any court shall appoint the said company a trustee, receiver, administrator, or such guardian, or committee, or shall order the deposit of money or other valuables with said company, or where any individual or corporation shall appoint any of said companies a trustee, executor, assignee, or such guardian the capital stock of said company subscribed for or taken, and all property owned by said company, together with the liability of the stockholders and officers as herein provided, shall be taken and considered as the security required by law for the faithful performance of its duties, and shall be absolutely liable in case of any default whatever.

SEC. 11. That any safe deposit company, trust company, or title insurance company, now incorporated and operating under the laws of the United States or of the District of Columbia, or any of the States, and now doing business in said District, may avail itself of the provisions of this act on filing in the office of the recorder of deeds of the District of Columbia, or with the Comptroller of the Currency, a certificate of its intention to do so, which certificate shall specify which one of the three classes of business set out in section 1 it will carry on, and shall be verified by the oath of its president to the effect that it has in every respect complied with the requirements of existing law, especially with the provisions of this act: that its capital stock is paid in as provided in section 21 of this act and is not impaired, and thereafter such company may exercise all powers and perform all duties authorized by any one of the subdivisions of section 1 of this act in addition to the powers now lawfully exercised by such company.

SEC. 12. That any company operating under this act may lease, purchase, hold, and convey real estate, not exceeding in value \$500,000, and such in addition as it may acquire in satisfaction of debts due the corporation, under sales, decrees, judgments, and mortgages.

SEC. 13. That the charters for incorporations named in this act may be made perpetual, or may be limited in time by their provisions, subject to the approval of Congress.

SEC. 14. That the capital stock of every such company shall be at least \$1,000,000, and at least 50 per cent. thereof must have been paid in, in cash or by the transfer of assets as hereinafter provided in section 21 of this act, before any such company shall be entitled to transact business as a corporation, except with its own members; and before any company organized hereunder shall be entitled to transact the business of a trust company, or to become and act as an administrator, executor, guardian of the estate of a minor, or undertake any other kindred fiduciary duty, it shall deposit, either in money or in bonds, mortgages, deed of trust, or other securities equal in actual value to one-fourth of the capital stock paid in, with the Comptroller of the Currency, to be kept by him upon the trust and for the purposes hereinafter provided; and the said Comptroller may from time to time require an additional deposit from any such company, to be held upon and for the same trust and purposes, not exceeding, however, in value one-half the paid-in capital stock; and the said Comptroller shall not issue to any corporation the certificate heretofore provided for until said deposit with him of securities required by this section. Within one year after the organization of any corporation under the provisions of this act, or after any corporation heretofore existing shall have availed itself of the powers and rights given by this act in the manner herein provided for, its entire capital stock shall have been paid in.

SEC. 15. That the capital stock of every such company shall be divided into shares of \$100 each. It shall be lawful for such company to call for and demand from the stockholders, respectively, all sums of money by them subscribed, at such time and in such proportions as its board of directors shall deem proper, within the time specified in section 14, and it may enforce payment by all remedies provided by law; and if any stockholder shall refuse or neglect to pay any installment as required by a resolution of the board of directors, after thirty days' notice of the same, the said board of directors may sell at public auction, to the highest bidder, so many shares of said stock as shall pay said installment, under such general regulations as may be adopted in the by-laws of said company, and the highest bidder shall be taken to be the person who offers to purchase the least number of shares for the assessment due.

SEC. 16. That every such company shall annually, within twenty days after the last of January of each year, make a report to the Comptroller of the Currency, which shall be published in a newspaper in the District, which shall state the amount of capital and of the proportion actually paid, the amount of debt, and the gross earnings for the year ending December 31 then next previous, together with their expenses, which report shall be signed by the president and a majority of the directors or trustees, and shall be verified by the oath of the president, secretary, and at least three of the directors or trustees; and said company shall pay to the District of Columbia, in lieu of personal taxes for each next ensuing year, 1 per cent. of its gross earnings for the preceding year, shown by said verified statement, which amount shall be payable to the collector of taxes at the times and in the manner that other taxes are payable.

SEC. 17. That if any company fails to comply with the provisions of the preceding section, all the directors or trustees of such company shall be jointly and severally liable for the debts of the company then existing, and for all that shall be contracted before such report shall be made: *Provided*, That in case of failure of the company in any year to comply with the provisions of section 16 of this act, and any of the directors shall on or before January 15 of such year file his written request for such compliance with the secretary of the company, the Comptroller of the Currency, and the recorder of deeds of the District of Columbia, such director shall be exempt from the liability prescribed in this section.

SEC. 18. That any willful false swearing in regard to any certificate or report or public notice required by the provisions of this act shall be perjury and shall be punished as such according to the laws of the District of Columbia. And any misappropriation of any of the money of any corporation or company formed under this act, or any money, funds, or property intrusted to it, shall be held to be larceny, and shall be punished as such under the laws of said District.

SEC. 19. That the stock of such company shall be deemed personal estate, and shall be transferable only on the books of such company in such manner as shall be prescribed by the by-laws of the company; but no shares shall be transferable until all previous calls thereon shall have been fully paid, and the said stock shall not be taxable, in the hands of individual owners, the tax on the capital stock, gross earnings of the company heretofore provided being in lieu of other personal tax. All certificates of the stock of any company organized under this act shall show upon their face the par value of each share and the amount paid thereon.

SEC. 20. That all stockholders of every company incorporated under this act or availing itself of its provisions under section 11 shall be severally and individually liable to the creditors of such company to an amount equal to and in addition to the amount of stock held by them, respectively, for all debts and contracts made by such company.

SEC. 21. That nothing but money shall be considered as payment of any part of the capital stock, except that in the case of any company now doing business in the District of Columbia in any of the classes herein provided for, or under any act of Congress or by virtue of the laws of any of the States, and which company has actually received full payment in money of at least 50 per cent. of the capital stock required by this act, and which company desires to obtain a charter under this act, all the assets or property may be received and considered as money, at a value to be appraised and fixed by the Comptroller of the Currency: *Provided*, That all such assets and property are also transferred to and are thereafter owned by the company organized under this act.

SEC. 22. That the stock, property, and concerns of such company shall be managed by not less than nine nor more than thirty directors or trustees, who shall, respectively, be stockholders and at least one-half residents and citizens of the District of Columbia, and shall, except the first year, be annually elected by the stockholders at such time and place and after such published notice as shall be determined by the by-laws of the company, and said directors or trustees shall hold until their successors are elected and qualified.

SEC. 23. That there shall be a president of the company, who shall be a director, also a secretary and a treasurer, all of whom shall be chosen by the directors or trustees: *Provided*, That only one of the above-named offices shall be held by the same person at the same time. Subordinate officers may be appointed by the directors or trustees, and all such officers may be required to give such security for the faithful performance of the duties of their office as the directors or trustees may require.

SEC. 24. That the directors or trustees shall have power to make such by-laws as they deem proper for the management or disposal of the stock and business affairs of such company, not inconsistent with the provisions of this act, and prescribing the duties of officers and servants that may be employed, for the appointment of all officers, and for carrying on all kinds of business within the objects and purposes of such company.

SEC. 25. That if the directors or trustees of any company shall declare or pay any dividend, the payment of which would render it insolvent, or which would

create a debt against such company, they shall be jointly and severally liable as guarantors for all of the debts of the company then existing, and for all that shall be thereafter contracted, while they shall, respectively, remain in office.

SEC. 26. That if any of the directors or trustees shall object to declaring such dividend or the payment of the same, and shall at any time before the time fixed for the payment thereof file a certificate of their objection in writing with the secretary of the company with the recorder of deeds of the District they shall be exempt from liability prescribed in the preceding section.

SEC. 27. That if the liabilities of any company shall at any time exceed the amount of the fair cash value of the assets, the directors or trustees of such company assenting thereto shall be personally and individually liable for such excess to the creditors of the company after the additional liability of the stockholders has been enforced.

SEC. 28. That no person holding stock in such company as executor, administrator, guardian, or trustee shall be personally subject to any liability as stockholder of such company, but the estate and funds in the hands of such executor, administrator, guardian, or trustee shall be liable in like manner and to the same extent as the testator or intestate or the ward or the person interested in such trust fund would have been if he had been living and competent to act and hold the stock in his own name.

SEC. 29. That any corporation which may be formed under this chapter may increase its capital stock by complying with the provisions of this chapter to any amount which may be deemed sufficient and proper for the purposes of the corporation.

SEC. 30. That a copy of any certificate of incorporation filed in pursuance of this chapter, certified by the recorder of deeds to be a true copy and the whole of such certificate, shall be received in all courts and places as presumptive legal evidence of the facts therein stated.

SEC. 31. That no bond or other collateral security, except as hereinafter stated, shall be required from any trust company incorporated under this act for or in respect to any trust, nor when appointed trustee, guardian, receiver, executor, or administrator, with or without the will annexed, committee of the estate of a lunatic or idiot, or other fiduciary appointment; but the capital stock subscribed for or taken, and all property owned by said company and the amount which said stockholders shall be liable in excess of their stock, shall be taken and considered as the security required by law for the faithful performance of its duties and shall be absolutely liable in case of any default whatever; and in case of the insolvency or dissolution of said company the debts due from the said company as trustee, guardian, receiver, executor, or administrator, committee of the estate of lunatics, idiots, or any other fiduciary appointment, shall have a preference.

SEC. 32. That the supreme court of the District of Columbia, or any justice thereof, shall have power to make orders respecting such company whenever it shall have been appointed trustee, guardian, receiver, executor, or administrator with or without the will annexed, committee of the estate of a lunatic, idiot, or any other fiduciary, and require the said company to render all accounts which might lawfully be made or required by any court or any justice thereof if such trustee, guardian, receiver, executor, administrator with or without the will annexed, committee of the estate of a lunatic or idiot, or fiduciary were a natural person. And said court, or any justice thereof, at any time, on application of any person interested, may appoint some suitable person to examine into the affairs and standing of such companies, who shall make a full report thereof to the court, and said court, or any justice thereof, may at any time, in its discretion, require of said company a bond with sureties or other securities for the faithful performance of its obligations, and such sureties or other securities shall be liable to the same extent and in the same manner as if given or pledged by a natural person.

SEC. 33. That no corporation or company organized by virtue of the laws of any of the States of this Union shall carry on, in the District of Columbia, any of the kinds of business named in this act without strict compliance in all particulars with the provisions of this act for the government of such corporations formed under it, and each one of the officers of the corporation or company so offending shall be punished by fine not exceeding \$1,000, or imprisonment in some State's prison not exceeding one year, or by both fine and imprisonment, in the discretion of the court.

SEC. 34. That Congress may at any time alter, amend, or repeal this act (saving and preserving all rights which may become vested), but any such amendment or repeal shall not, nor shall the dissolution of any company formed under this act, take away or impair any remedy given against such corporation, its stockholders or officers, for any liability or penalty which shall have been previously incurred.

Mr. PAYSON (during the reading). Mr. Speaker, I rise to a parliamentary inquiry. I desire to ask whether the question of order upon this bill will be waived by permitting its reading.

The SPEAKER. Oh, no.

Mr. MCCOMAS. Mr. Speaker, do I understand that the motion is to concur, with an amendment?

The SPEAKER. Not at all. This is a Senate bill which has passed the Senate. It is substantially the same as the House bill which has been passed upon by the House. The point of order, of course, will remain until the bill is read.

Mr. MCCOMAS. But the gentleman [Mr. GROUT] now says that he proposes to move to concur, with one or two amendments.

The SPEAKER. The gentleman, if he used that language, doubtless used it inadvertently, meaning only that the House bill which has been reported is substantially the same as this Senate bill; that the Committee on the District of Columbia are satisfied in the main with the Senate bill, but that they propose to offer one or two amendments.

Mr. PAYSON. When the bill shall be considered.

The SPEAKER. Of course when the bill shall be considered.

The Clerk resumed and completed the reading of the Senate bill.

Mr. ANDERSON, of Kansas. Mr. Speaker, I raise the question of consideration against this measure.

Mr. PAYSON. Before that question shall be put, as I made a suggestion awhile ago with reference to this bill as to whether or not it came within the rule, I desire to say now that I have followed the reading carefully as it has progressed, and I am satisfied that the Senate bill is substantially the same as the House bill. In justice to the committee I feel bound to say that I think the bill comes within the rule.

The question was taken on the question of consideration raised by Mr. ANDERSON, of Kansas; and the Speaker declared that the ayes seemed to have it.

Mr. ANDERSON, of Kansas. I ask for a division.

The question was taken; and there were—ayes 112, nays 5.

Mr. ANDERSON, of Kansas. Mr. Speaker, in looking over the House I doubt whether there is a quorum present.

The SPEAKER. Does the gentleman raise the point that there is no quorum present?

Mr. ANDERSON, of Kansas. Yes; I make the point that there is no quorum present.

The SPEAKER (after counting). There are 170 members present.

Mr. ANDERSON, of Kansas. Now, Mr. Speaker, I raise the point of order that while this Senate bill is substantially the same as the House bill, nevertheless the rule requires that before a bill can be called up in this way it must have been considered in a committee—in this case the Committee on the District of Columbia—and that that must be done on a motion in the committee directing that the bill be called up.

The SPEAKER. It is too late to raise that point. The question of consideration has been raised by the gentleman himself, which waives all points of order.

Mr. GROUT. The consideration of this bill has been ordered by the committee.

Mr. ANDERSON, of Kansas. I understand that it has been ordered by the consent of individual members of the committee, but not by the committee, as I am informed.

The SPEAKER. The Chair might be inclined to sustain that point, but it is raised too late. The House has voted to consider the bill. The question is now on ordering the bill to a third reading. The gentleman from Vermont [Mr. GROUT], as the Chair understands, desires to submit certain amendments which the Clerk will report.

The Clerk read as follows:

Amend section 33 by inserting, after the word "Union," in line 2, the words "and having its principal place of business within the District of Columbia." Add to this section the following proviso: "This section shall not take effect till six months after the approval of this act."

The SPEAKER. The question is on agreeing to the amendments.

Mr. ANDERSON, of Kansas. On that question I want to be heard.

The SPEAKER. Does the gentleman from Vermont [Mr. GROUT] yield the floor?

Mr. GROUT. No, Mr. Speaker. If the gentleman will say how much time he wants we will grant him reasonable time.

Mr. ANDERSON, of Kansas. I would like thirty minutes.

Mr. GROUT. I cannot yield the gentleman that length of time. This amendment simply provides that the organizations of this character formed under laws of the several States—there are two or three such organizations now doing business within the District—shall bring themselves within the provisions of this bill in all respects, by depositing with the Comptroller of the Currency the necessary bonds and doing everything for the security of those doing business with the companies. We do not want any "wild-cat" organizations; they should in some way be controlled. That is the object of section 33; but the way it is drawn—

Mr. BLOUNT. May I interrupt the gentleman from Vermont?

Mr. GROUT. Certainly.

Mr. BLOUNT. I wish to suggest to the gentleman that it often happens that the District wants matters considered here; and if the gentleman from Kansas desires thirty minutes for discussion, I hope that time will be allowed him. I do not think it is going to hurt the District at all.

Mr. GROUT. I should not object if that time would satisfy the gentleman with reference to the whole bill; but I am not willing that so much time be occupied on this amendment.

Mr. BLOUNT. I do not ask that.

Mr. GROUT. I was explaining this matter so that the gentleman from Kansas might not perhaps ask to occupy time on the amendment, but take it on the general provisions of the bill. I hoped my explanation would be satisfactory to him; I think it will.

Mr. BLOUNT. Why not agree (I understand the gentleman from Kansas would be willing to accept this arrangement) that he have thirty minutes in the beginning on the bill?

Mr. GROUT. If that will satisfy the gentleman I am content.

The SPEAKER. Unanimous consent is asked that debate be limited to thirty minutes.

Mr. ANDERSON, of Kansas. I object.

Mr. GROUT. Then, Mr. Speaker, if the gentleman from Kansas is not disposed to be reasonable I withdraw my concession and retain the floor for the purpose of making an explanation.

Mr. ANDERSON, of Kansas. I am disposed to be reasonable, but I would like to have a little fair debate upon such an outrageous, infernal bill as this.

Mr. GROSVENOR. I rise to a parliamentary inquiry. It has been impossible to hear what has been going on. Now, I wish to be heard at the proper time in opposition to the passage of this bill. I desire to ask where we are in reference to this matter. Have we passed the stage of debate on the bill?

The SPEAKER. We have not.

Mr. GROSVENOR. Then I want to be recognized to oppose the passage of the bill.

The SPEAKER. The gentleman from Vermont has the floor.

Mr. GROSVENOR. Very well. Does the gentleman propose that there shall be no debate?

The SPEAKER. The Chair does not know what are the wishes of the gentleman.

Mr. BREWER. I suggest that the gentleman from Vermont have his amendments voted on, and then have the discussion on the bill.

Mr. GROUT. That is what I propose.

Mr. BREWER. I understand there is no objection to the amendments.

Mr. GROUT. If the amendments are agreed to, I am willing (and so is the committee) that the bill shall then be discussed.

The SPEAKER. The Chair then will put the question on the amendments.

The amendments were agreed to.

The SPEAKER. The question is on ordering the bill as amended to a third reading.

Mr. GROUT. Now, Mr. Speaker, I am ready to yield to the gentleman from Kansas. I presume no one else desires to occupy any time.

The SPEAKER. The gentleman from Ohio [Mr. GROSVENOR] has given notice that he also wishes to oppose the passage of the bill.

Mr. GROUT. I ask unanimous consent that debate be limited to forty minutes—thirty minutes against the bill and ten in its favor.

The SPEAKER. The gentleman from Vermont asks unanimous consent that debate be limited to forty minutes—thirty minutes in opposition to the bill and ten minutes in favor of it. Is there objection? The Chair hears none. The gentleman from Kansas will control the thirty minutes, and the gentleman from Vermont the ten minutes.

Mr. ANDERSON, of Kansas. I yield fifteen minutes to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Speaker, this is a proposition which has grown up out of the legislation of certain States of the Union, and it is designed to supplant private individuals by corporations in respect to guardianship and administration of estates and other fiduciary matters. I am not affected by the measure so far as any local interest I may have is concerned; but this is a subject which has been under consideration in the District of Columbia for a long period, and I can not better occupy my time than by having the Clerk read letters of the judges of the courts of this District, who have protested against the passage of this bill. If after hearing these letters the House of Representatives desires to force this sort of legislation upon the District over the heads of the entire local judiciary, I shall be content. I desire first to have read a letter of Judge D. K. Cartter.

Mr. STEWART, of Vermont. Before that letter is read I wish to ask whether it relates to the bill now pending.

Mr. GROSVENOR. It relates to the whole subject-matter.

Mr. STEWART, of Vermont. What subject?

Mr. GROSVENOR. This same bill.

Mr. GROUT. I can answer the gentleman from Vermont [Mr. STEWART] by stating that the letter deals with a feature that this bill does not contain.

Mr. GROSVENOR. I have several of these letters.

The Clerk read as follows:

Supreme Court of the District of Columbia,
February 13, 1883.

Sir: I have the honor to acknowledge the receipt of your letter of the 10th instant, in which you inform me that your committee directs you to ask my opinion and that of my associates "as to the advisability of conferring upon the National Safe Deposit Company of Washington the additional powers asked for by Senate bill No. 152 as modified in the copy inclosed."

The amendments proposed authorize the corporation, under a changed name—
First. To accept and execute trusts of every description which may be committed or transferred to it by any person, body corporate or politic, or by any court in the District of Columbia, or in any of the United States.

Second. To accept the office and appointment of executor or administrator, whenever conferred or made by any person or by any orphan's court of the District or of any State.

Third. To authorize any court of the District of Columbia to confer upon the corporation the appointment of receiver, assignee, guardian of minors, or committee of lunatics, and to require the corporation to account concerning such trusts before the proper courts, and to authorize the corporation to receive the usual compensation and fees for such services.

The other provisions are matters of detail not requiring notice here. In compliance with the request of the committee to express an opinion as to the advisability of granting the powers thus asked, we have no hesitation in expressing our decided opinion that the bill ought not to pass.

We do not conceive it to be important to give at length our reasons for this opinion, but we may suggest a few of the more obvious objections to the measure.

First. The proposed action is wholly unnecessary. We know of no defects in the present mode of appointing the fiduciaries referred to, or in the manner of their discharging their important duties, requiring any change in the law in these particulars, or justifying the bestowal of such anomalous powers upon a private corporation for the benefit of its stockholders.

No excuse is to be found in any supposed notion of economy to the public, since the bill exacts for the corporation the same rate of compensation now received by individuals; nor is such support to be found in the idea of greater security, since the present method, which divides these trusts among a number of responsible persons, is reasonably safer than a system which proposes to accumulate a multitude of such trusts in the hands of the trust company, a form of organization which experience informs us is not exempt from risk of disastrous failures.

Second. The several classes of trusts referred to in the law, whether conferred by individuals or by appointment from the courts, are now confided to persons selected after examination of their personal and private character, and because of their worth and reliability. But the bestowal of such trusts upon a corpora-

tion would be accompanied by no such guaranty of personal fitness upon the part of the individual who, after all, would execute the duty. The selected agent of the corporation might be one wholly unknown to those interested in the trust or to the courts making the appointment, and such a person as the court would have rejected as entirely unworthy the office. One of the most efficient means of enforcing the performance by these fiduciaries of their duties and of punishing their neglect or violation is by attachment or other like process directed against the individual, who would be personally affected by the orders of the court.

But no such address would be available against an impersonal body, a corporation, in no degree amenable to personal subjection or discipline, however recalcitrant in the discharge of its duty.

Third. The proposed change would involve a repeal *pro tanto* of almost every feature of the testamentary system in force in this District, introducing confusion and uncertainty in the workings of a wise and compendious scheme of jurisprudence, familiar to the people and satisfactory as it now exists, and this in the entire absence of any necessity for a change and without the slightest reason that is apparent to us beyond the prospect of personal gain to the corporation in question.

We may add that the extraordinary proposal to authorize the corporation to act as executor, administrator, receiver, guardian of minors, or committee of a lunatic, does not constitute a feature in the "American Loan and Trust Company of Boston," a copy of which was inclosed in your letter. We can conceive of no reason for extending such delicate and varied powers, most of which imply personal qualities as involved in their exercise, to an agent so entirely unfitted for their performance as an incorporation.

The opinion I have thus had the honor to communicate to the honorable Committee on the District of Columbia is concurred in by my colleagues, who have been consulted by me, as desired in your letter.

I have the honor to be, very respectfully, your obedient servant,

D. K. CARTTER,
Chief-Justice Supreme Court.

Hon. JOHN J. INGALLS,

Chairman Committee on the District of Columbia, United States Senate.

ROOMS OF THE BAR ASSOCIATION,

Washington, February 9, 1883.

Resolved, That in the opinion of this association the bills now pending in the Senate and House of Representatives authorizing the Title Insurance Company of the District of Columbia to act as trustees, guardian, executor, administrator, etc., and to incorporate the National Title Company for like purposes, are obnoxious to the best interests of the community, and that a committee be appointed by the chair to wait upon the committee having the same in charge and oppose their passage.

Teste:

HENRY WISE GARNETT, Secretary.

Mr. GROSVENOR. As the time allotted to me is so brief, I will append the other letters from the judges of the courts here, and from the Bar Association, showing their views of this subject.

They are as follows:

ROOMS OF THE BAR ASSOCIATION,

Washington, D. C., December 31, 1884.

Hon. JOHN J. INGALLS,

Chairman Senate Committee on District of Columbia:

Sir: In January, 1884, we had the honor to address you a communication in reference to certain bills then pending before your honorable committee to confer upon certain private corporations the power to act as trustee, guardian, etc. Since then our attention has been called to a communication from the commissioners of the District of Columbia, dated December 13, 1884, and addressed to the Hon. Isham G. Harris, chairman of the subcommittee having charge of bill S. 151, which is identical with H. R. 1437. The provisions of these two bills are the same as those contained in the bills referred to in our said communication to you.

The commissioners of the District of Columbia, contrary to their custom, did not refer Judge Harris's letter, asking their advisability as to this bill becoming a law, to the law officer of the District of Columbia, but ignored him entirely, and undertook to give their own opinion and attempt to support it by saying: "Learning that the subject had been discussed by the judges of the supreme court of the District, and that the chief-justice had some time since given their views in a letter addressed to the honorable chairman of the Senate Committee for the District of Columbia adversely to such legislation, the commissioners consulted the chief-justice [Hon. D. K. Cartter], and now learn from him that such letter was written, but that since then he, and as he believes, his associates have re-examined the question and reached a conclusion that such trust company, with proper regulations, is desirable, especially when accompanied by the proviso found in section 3, authorizing the court to investigate the affairs of the company, and to give further security if found to be necessary."

Evidently there is a mistake somewhere in reference to the alleged change of opinion of the judges of the supreme court of the District of Columbia, as will appear from the following letters addressed to us by four of the associated justices of that court, they being the only members of the court consulted on the subject by us:

WASHINGTON, D. C., December 30, 1884.

Messrs. FENDALL, NEWMAN, and others,

Committee Bar Association:

GENTLEMEN: In reply to your letter asking my opinion as to the propriety of granting to the Safe Deposit Company additional powers and privileges contemplated by the proposed act (H. R. 1437) I say that I think the contemplated change in the law is both unnecessary and dangerous.

The existing provisions of law which regulate the choice, appointment, and bonding of administrators, executors, guardians, and trustees in this jurisdiction have proved entirely satisfactory for more than a century. I know of no case since I have been on the bench of the appointment of any such officer where the appointee has been unfaithful to his trust. If such a state of things should be made to appear, the bonds which have been given by those fiduciaries may be resorted to, to make good the loss. No difficulty has hitherto appeared in obtaining adequate security, and I see no reason to suppose it will appear in the future under the present system. A practice which has thus proved itself by long experience adequate and convenient, and which is familiar to our people, should not be invaded, I submit, without some grave reason for the change. Unnecessary as the change would be, even under the management of the gentlemen now in charge of the corporation (who, I am sure, are all their friends represent in point of intelligence and integrity), the proposed change would prove most pernicious should the control of the company fall into improper hands. That such change in the management may reasonably be apprehended is plain enough, and our experience recalls disastrous failures of trust companies previously standing as high in public esteem as this one can hope to do.

One of the most objectionable features in the bill, in my opinion, is the granting of the power to this company to act as guardian to minors. I can not well conceive of a more dreary situation than that of a young girl or boy intrusted

to the custody of a corporation in this way. Who is to regulate the education, morals, dress, abode, and association of such young person placed under such guardianship? Some particular agent must be selected to see after the minor as to such matters; and can it be advisable that a girl just growing into womanhood should be compelled to rely upon the counsel of men, strangers to her and her family, to guide her in those delicate and dangerous matters? For there can not be two guardians, and the child can not be reasonably expected to reverence and obey the voluntary admonitions of a person who has no means whatever of enforcing his or her counsels, not even the restraint of drawing the purse-strings. It seems a cheerless enough thing to raise children by machinery, but the guardianship by the proverbial soulless corporation seems to me to be a gross and most pernicious exaggeration of the patent incubating process. I adhere to the opinion the judges of the supreme court of the District gave to a committee of Congress a year or two ago as to this subject.

Respectfully,

A. B. HAGNER.

Messrs. FENDALL AND NEWMAN.

GENTLEMEN: After reading Judge Hagner's letter I think it is unnecessary that I should state my own views separately, inasmuch as I should only repeat what he has said. I am clearly of opinion that the proposed innovation is unnecessary, and that it is not advisable that an innovation should be adopted without necessity. Besides, I have more faith in individual than in corporate agencies, and should regret to see them pushed aside by the latter.

Respectfully,

CHARLES P. JAMES.

I am of opinion that the interests contemplated by the proposed legislation should not be intrusted to a corporation under any circumstances.

ARTHUR MACARTHUR.

DECEMBER 30, 1884.

As trust companies seem to have worked successfully elsewhere, I am not prepared, in ignorance of their actual operation, to say that they can not be successfully managed here in the direction contemplated by the bill under consideration. But I agree with the others who have expressed an opinion that such a measure is entirely unnecessary, and that there might be great awkwardness in such corporations acting as guardians, at least if not in other respects. I think the court would seldom, if ever, be inclined to prefer them to responsible individuals.

W. S. COX.

DECEMBER 31, 1884.

In conclusion, we would respectfully reinvite your attention to our communication above referred to and request that the same may be read in connection herewith.

We have the honor to be, very respectfully, your obedient servants,

REGINALD FENDALL,
ANDREW C. BRADLEY,
HENRY WISE GARNETT,
HENRY E. DAVIS,
EDWARD A. NEWMAN.

Committee of the Bar Association of the District of Columbia.

ROOMS OF THE BAR ASSOCIATION, January 21, 1886.

At a special meeting of the Bar Association of the District of Columbia held January 20, 1886, the following resolution, introduced by Mr. J. J. Darlington, was unanimously adopted:

"Resolved, That the special committee composed of Messrs. Reginald Fendall, H. E. Davis, E. A. Newman, A. C. Bradley, and Henry W. Garnett, heretofore appointed on behalf of the association to oppose before the committees of Congress any and all legislation conferring upon corporations within the District of Columbia the power of acting as trustees, guardians, executors, administrators, or in other fiduciary capacity, be reappointed for that purpose, it being the unchanged sense of this association that such legislation would be prejudicial to the interests thereby affected.

A true extract from the minutes.

CHAS. A. ELLIOT,

Secretary Bar Association, District of Columbia.

SUPREME COURT OF THE DISTRICT OF COLUMBIA,

Washington, D. C. January 23, 1889.

DEAR SIR: Your favor of this instant asking my views of the advisability of the passage by Congress of the "trust bill," so called, enabling certain corporations to act as executors, administrators, guardians, and trustees of estates, received. Also, a pamphlet containing the argument of a committee of the Bar Association of this District addressed to the Committee of the House of Representatives for the District of Columbia of a former Congress, and letters of the late Chief-Justice Carter and Justice Hagner, Merrick, James, Cox, and MacArthur, which I have read with much interest. The proposition to clothe corporations with such powers and duties is one upon which I have not heretofore bestowed much thought, but I am strongly inclined to regard it unfavorably.

I can not perceive that in any respect such a law would be beneficial, while the reasons by the committee and gentlemen before named against such an enactment are, in my judgment, cogent and conclusive. I think such legislation is not only unnecessary, it is wrong in principle and should be defeated.

Very respectfully,

E. F. BINGHAM.

CHAPIN BROWN, Esq.,

For the Committee of the Bar Association, District of Columbia.

In view of this positive expression of opinion on the part of both the bench and bar, and for other cogent reasons which can be presented orally to the committees of Congress if an opportunity be afforded, the undersigned respectfully submit that said bills should not become law.

REGINALD FENDALL,
HENRY WISE GARNETT,
ANDREW C. BRADLEY,
HENRY E. DAVIS,
EDWARD A. NEWMAN.

Committee of the Bar Association of the District of Columbia.

Mr. GROSVENOR. As will be seen, Mr. Speaker, the other judges of the courts here, which include such eminent jurists as A. B. Hagner, Charles P. James, W. S. Cox, and the present Chief-Justice Bingham, writing under a much later date, nearly a year ago, when this identical bill was pending in the House, utter even stronger language in protest against the conferring of this immense corporate power upon a monopoly such as is proposed here.

On the 15th day of January of the present year, 1890, a committee

of the Bar Association of this city, numbering some fifteen men, held a meeting and protested against the passage of this bill. So we have all of the judges of the courts of the District, the Bar Association of the District, and I have also a letter from Hon. W. W. Merrick, who was himself a very distinguished lawyer, protesting against the passage of it. The gentleman must not say that it is not this bill against which they protest, because Chief-Justice Carter described all of the salient features of the bill, and in the case of the Bar Association their action was taken while the very bill was pending before the committee of the House.

Mr. BINGHAM. What is the date of Mr. Merrick's protest to which the gentleman refers?

Mr. GROSVENOR. In 1886, just before his death.

Mr. GROUT. The gentleman is entirely in error in saying that this bill has been protested against, because the bill was not reported to the House until April 28 of this year.

Mr. GROSVENOR. I said while it was pending in the Committee of the Whole House.

Mr. GROUT. But it was not this bill.

Mr. GROSVENOR. The principle is just the same. It may not be in identical terms the same bill, but the purpose is the same.

Now gentlemen inveigh against the growth of "corporate power" and the conferring of powers upon corporations as a rule; and we talk sometimes upon the stump about "monopoly." But here is a bill which says the companies which shall be permitted to do business under its provisions shall have a capital stock of \$1,000,000; and its terms are such that nobody and no combination of men with less capital shall touch one of the classes of business that the bill seeks to cover. There is a monopoly created by the American Congress, conferring on a corporation by name almost unlimited powers, and excluding everybody else from the management of the business thus created and controlled by it, and absolutely fixing the sum necessary to enable them to enter into the business at \$1,000,000.

This is the bill which we are asked to accept; and yet we sometimes talk of not being in favor of corporate monopolies. Corporations as a rule are not monopolies; but here is one which is a distinct and exclusive monopoly, and is so intended, for it names the parties or the character of business, and the amount of money which shall be necessary to enter into it, and provides that nobody else can transact any of these forms of business who have not the amount of capital provided by the bill. It is a decided innovation in legislation of this character.

I am told that in some of the States of the Union this provision works well. Doubtless in organized States, where the people are permanent and are not migratory, and is largely the case, and necessarily so, in this city, it may be well enough; but I protest against the principle which confers by legislative enactment upon a corporation power to become a private corporation for all of the agencies herein specified and excludes everybody else.

I say to you gentlemen who record your votes in favor of this proposition that you never have marched up to such an extent to monopoly as is involved in this proposition. If you vote for it—and I care not whether it passes or not; I simply lift my voice against it—but when it is passed; when you have done the work; when you have voted for it, do not go home and tell your people that you are opposed to monopolies such as this, for here is one that is more exclusive than any other corporation on the whole face of the continent. The Standard Oil Company is often referred to as such an organization; but in the same State of its creation any other persons can become a corporation for the same purposes. But this is not only a corporation for any one of the purposes named, but it excludes everybody else from the benefits which the bill seeks to confer, and monopolizes that business here in the hands of the few who can raise the amount of money necessary.

That is all, Mr. Speaker, I have to say. It is not easy for gentlemen to try to explain away the objections to this measure by showing how it may operate elsewhere. I am not advised that in any State organizations the minimum sum of \$1,000,000 has been placed in the acts of incorporation. But every one of them is simply the outgrowth of a tendency to corporate monopoly, and here is one of the most aggressive and most exclusive that could possibly be framed by any legislation.

Mr. BINGHAM. Let me ask the gentleman this question.

The SPEAKER. The time of the gentleman has expired.

Mr. BINGHAM. I wish to ask if there is anything in the bill that excludes the individual from any of the ordinary acts in reference to estates, guardians, administratorship, or anything else. Does it not only enlarge the field, so to speak, so they can have their choice in selecting managers for estates, or to wind up estates, and in its large capital make safe and secure the management of the large estates now common in this District?

Mr. GROSVENOR. I have not time to answer the gentleman's question at length, but the answer is very simple. It is, that when you have once created in a District like this a power like that, the courts will be controlled instantly by such an aggregation of capital.

Mr. BINGHAM. That is a very poor compliment to the courts.

Mr. GROUT. Mr. Speaker, I desire to be informed when I have occupied three minutes. The gentleman from Ohio speaks of a cor-

poration. This bill does not incorporate any body of men. The title of the bill explains its purpose. It is an act to provide further and additional purposes for which corporations may be formed in the District of Columbia. That is all this bill does. The bill does not confine it to one act of voluntary incorporation. As many different organizations may be formed as there are people with money to invest to organize them, and there probably will be half a dozen organizations as soon as they can be effected under this law, when it is once passed. The difficulty with the general incorporation law is that it does not extend to corporations of this kind. It relates to institutions of learning, to benevolent and educational societies, to manufacturing, agricultural, mining, mechanical, insurance, mercantile, transportation, and market purposes, and railroad purposes.

It does not include this particular feature. This is simply an extension of the general law. There is no monopoly, as I have said, because when twenty-five persons see fit to put their capital together and embark in this business they have a right under the bill to do it, provided they comply with these stringent provisions for the protection of the people and the rights of those who trust their estates with them. Under those provisions they have a perfect right, I say, to organize.

Mr. KERR, of Iowa. Will the gentleman allow me a question?

Mr. GROUT. Certainly.

Mr. KERR, of Iowa. I understand this bill confers upon this corporation the right to act as trustee or as guardian.

Mr. GROUT. Not of the person, but of the estate.

Mr. KERR, of Iowa. And also as the depository of the guardian's money.

Mr. GROUT. Yes.

Mr. KERR, of Iowa. Now, is there any provision fixing the rate of interest this corporation will be compelled to pay the guardian or the heirs for the use of the money?

Mr. GROUT. That is a matter of arrangement between the corporation and the guardian, just as it would be if he loaned the money to a bank or to an individual. That is not controlled by this bill. I do not see how it could be well or wisely controlled. It would have to be left to negotiation.

Mr. FARQUHAR. Now, if the gentleman will permit me, I want to ask another question. As I heard the provisions of this bill read, I desire to know from the gentleman if it is not on all fours with the similar incorporation law of the State of New York.

Mr. GROUT. It is, and also with the law of Pennsylvania.

Mr. BINGHAM. Especially the Pennsylvania law.

Mr. FARQUHAR. And those institutions in New York are about the most secure that I know of.

Mr. GROUT. This is on all fours with that law, and on account of this being in the District of Columbia we put it under the control of the Comptroller of the Currency, whose inspection and supervision is just the same as that over national banks. He may seize an institution that is going wrong and wind it up at any time. The courts may also appoint additional persons to visit and examine the accounts of these concerns whenever application is made by any person having any interest. The law is not that spoken of by Judge Cartter. That was a loosely drawn bill that was introduced two or three years since. Nor is the action of the Bar Association of January 15 applicable to this bill, for it was not reported until the 28th of April. It was the result of much work by the subcommittee who had it in charge, and who labored to make it perfect and complete so that it should protect everybody's rights and at the same time should grant, as the gentleman from Pennsylvania [Mr. BINGHAM] intimated in his inquiry of the gentleman from Ohio [Mr. GROSVENOR], the privilege of persons to choose whether they will have a private administrator appointed or whether they will authorize this corporation to act as trustee.

Mr. BERGEN. Will the gentleman allow me to ask him a question?

Mr. GROUT. I can not yield, for I must save the time for the other side. Ask the gentleman from South Carolina [Mr. HEMPHILL] when he has the floor.

I yield the balance of my time to the gentleman from South Carolina [Mr. HEMPHILL].

The SPEAKER *pro tempore*. The gentleman has six minutes yet.

Mr. HEMPHILL. I should prefer to follow the gentleman from Kansas [Mr. ANDERSON].

Mr. ANDERSON, of Kansas. Mr. Speaker, while I accept the technical statement of the gentleman who has just taken his seat [Mr. GROUT] that this bill is somewhat different from the one to which so strong objection has been made by the court and by the bar of this city, yet the salient points in this bill are the salient points in that bill. Technically he is right; practically he is wrong. Now, my objection, in addition to what has been said by the gentleman from Ohio, is that the bill is sought for simply by a few rich men in this city who wish to monopolize all the business they can get under the guise of a trust company. Why, there is a larger and a brainier and a more persistent lobby, and always has been, in favor of this bill than any bill that I know of coming from the District of Columbia. Here you have the bar and the courts on the one side, as shown by the gentleman from Ohio, and these few men who simply want to make dollars

on the other side. Now what do they ask? They ask you to give to them absolutely unlimited powers. The bill says that they may incorporate and do—

First. A safe deposit, trust, loan, and mortgage business.

Second. A title insurance, loan, and mortgage business.

Third. A security, guaranty, indemnity, loan, and mortgage business.

There is no limitation there. They may conduct any business that they choose. You will find in section 5 also that—

Fifth. When organized under subdivision 1 of the first section of this act to accept and execute trusts of any and every description which may be committed or transferred to them.

There is absolutely, so far as I have been able to read the bill, no limitation as to the scope, degree, and character of the business, the amount of capital, or the perpetuity of the corporation.

Mr. BUCHANAN, of New Jersey. Will the gentleman permit me?

Mr. ANDERSON, of Kansas. I decline to be interrupted.

Mr. BUCHANAN, of New Jersey. I wanted to call the attention of the gentleman to another defect in the bill.

Mr. ANDERSON, of Kansas. Please excuse me just now. So that we are to-day asked, with only thirty minutes for debate, to pass a bill that the House has never considered; a bill creating corporations of the most dangerous and the most powerful character that can be imagined, and these corporations situated, too, at the Capital of the Union. You are to have these trust companies with one million, five or ten millions, or whatever sum they please, in capital, and when one has thoroughly organized itself it can take in trust properties of all characters from anywhere.

It may take the interest in legislation of a railway company, and appear on the floor of this House as the attorney for any villainy in legislation that any railway company may wish, the Union Pacific robbery bill, for instance; and that is exactly what will come. It may take all the claim business of all the States in the Union. There is nothing in legislation that any man in the world may want done that he may not call upon one of these companies to do. In the mean time they will have grown in their social influence, their political influence in Congress, their relations to and corrupting and unbridled influence in the Departments, and then we all know how dangerous they will become. Why, there is one law firm in this town that to-day wields more power in legislation in the Departments and Congress than any five thousand other people in the town.

Suppose you have one of these great corporations standing here with all its power, with all varieties of trusts and claims, strong, rich, brainy, and, as a matter of course, audacious and unscrupulous, for who ever knew of a corporation having scruples where it was carrying on some interest or claim of its own? Gentlemen, my opposition to this bill is because I believe it to be the beginning of a class of national legislation the most dangerous of any concerning corporations that has ever been proposed. I sincerely believe, if this bill becomes a law, that thirty years from this time there will be more corruption in American legislation, there will be more danger to American institutions in Washington, than ever; and it will become a stench in the nostrils of the community. That is why I oppose the bill.

I have always on this floor sought to resist the aggressions of corporations, and the claim has always been made that you need a corporation for the purpose of doing something which individuals can not do. We need this in order to build a railroad which a few individuals can not do; but in this case an individual can do all the business. Individuals have always done it in this country. You have partnerships and firms which handle claims and deposits; but you propose now to inaugurate a new line, a new era, a new consolidation of business, and to throw a great aggregation of power and capital and political and lobby influence into the hands of the few men in these trust corporations when there is no necessity for it; when the courts of the District beg you not to do it; when the bar begs you not to do it, and when nobody asks for it but a few men who want to make more money than they are now making.

Now, that is the exact status of this case. If we had time to go into the details of this bill I am satisfied there are many gentlemen upon this floor who would propose amendments. The bill never would go out of the House as it comes into it; but it is to be put through in a short time under the spur simply because the lobby wants it, and for the plausible reasons that have been suggested and will be, when there is no public necessity for it, and when none of the great people in America, no voters in America, are asking for it with all its dangerous consequences.

I reserve the balance of my time. How much have I remaining?

The SPEAKER *pro tempore*. The gentleman has eight minutes yet remaining.

Mr. BUCHANAN, of New Jersey. Will the gentleman permit me to ask him a question?

Mr. ANDERSON, of Kansas. I will yield to the gentleman five minutes if he desires it.

Mr. BUCHANAN, of New Jersey. I simply want to ask you a question, and that is whether this bill does not propose to incorporate companies under perpetual charters without any limitation on the area in which they can carry on their business?

Mr. ANDERSON, of Kansas. It is absolutely unlimited.

Mr. BUCHANAN, of New Jersey. And gives them a perpetual charter to carry on business?

Mr. GROSVENOR. And not only that, but by the decision of the court of the District of Columbia it can be made the receiver of a railroad in Florida or in Maine, and can bring such a road's business from Maine or from Ohio into the District of Columbia.

The SPEAKER *pro tempore*. The gentleman from Kansas is still entitled to the floor.

Mr. GROUT. I would like to answer the question of the gentleman from New Jersey.

Mr. HOPKINS. If the statement of the gentleman from Ohio is true we ought to defeat this bill.

Mr. GROUT. Will the gentleman allow me to answer the question that was asked by the gentleman from New Jersey with reference to the time that the charter was to run?

Mr. GROSVENOR. I can not hear the gentleman.

Mr. ANDERSON, of Kansas. Mr. Speaker, this is not to come out of our time. I yield the remainder of my time to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROUT. The Senate provides that it shall be limited to fifty years.

Mr. BUCHANAN, of New Jersey. Then the provision of the House bill is changed.

Mr. GROUT. It is changed in that respect, Mr. Speaker.

Mr. HOPKINS. What has the gentleman to say as to the statement of the gentleman from Ohio [Mr. GROSVENOR]?

Mr. ANDERSON, of Kansas. This is not to come out of our time.

Mr. BUCHANAN, of New Jersey. There is no limitation contained in this bill here.

Mr. GROUT. Certainly, Mr. Speaker, and we thought there should not be any put in.

Mr. BUCHANAN, of New Jersey. You would let them go all over the United States?

Mr. GROUT. I would like to ask the gentleman from New Jersey—

Mr. GROSVENOR. I do not yield the floor.

The SPEAKER *pro tempore*. The gentleman from Ohio is entitled to six minutes.

Mr. GROSVENOR. But there has been a colloquy going on on the question, and it has not been my fault if gentlemen have occupied the time.

The SPEAKER *pro tempore*. The gentleman has been participating in it.

Mr. HOPKINS. The gentleman can charge it to me.

Mr. GROSVENOR. Mr. Speaker, I would have liked the gentleman from South Carolina to have discussed the operation of this bill before I had the concluding speech, but I will not make any complaint about that. I understand, and I have to take the statement from the gentleman for it, that this Pennsylvania law, which it is cited as working well, and I do not presume to say it does not, has no limit as to the amount of capital stock, and that the requirement and the nature of the security has to be fixed by the court. That is a different provision from this one.

Now I want members of this House to understand that they are voting—

The SPEAKER *pro tempore*. The gentleman from Ohio will suspend until order is secured.

Mr. GROSVENOR. I do not want to lose any of my time.

The SPEAKER *pro tempore*. Gentlemen will please take their seats and cease conversation.

I want gentlemen to understand that they are about to vote for a bill that may put their own estates, although they may live out on the Pacific Slope, into the hands of some favored corporation here in the District of Columbia, to be administered; and the insolvent railroads and other like corporation of the sovereign Gulf States may be brought into the District of Columbia and put into the grasp of a monopoly. I use the word knowingly and intelligently. What is a monopoly? A monopoly is an organization created by law, whether by naming the incorporators or by fixing the terms of the incorporation, which excludes the average majority of persons from participating in it. Now, I say that a bill which excludes everybody that can not raise a million of dollars is a monopoly of the worst character. What is this bill? It is a bill to bring within the jurisdiction of the courts of the District of Columbia every insolvent estate, every dead man's estate, every guardian's trust on the continent of America, and to build up here in the city of Washington a great legalized monopoly of the law business of the United States. It is a bill to impoverish the estates that are compelled to come here for adjudication and settlement.

If the gentlemen favoring this bill would put the capital stock at a quarter million dollars that would still be five times greater than any guardianship bond ordinarily given in the District of Columbia, but it would permit other people to come into this line of business and would thereby lessen the tendency to monopoly. But while they stand upon the capital of a million, or half a million, or three hundred thousand dollars, I protest against the bill upon that ground if upon no other.

The bill is an innovation upon the settled principles of legal procedure in this country, dangerous in its nature, and certain to be deleterious to the best interests of the people in its administration. It is putting the grasp of a great central corporation upon certain classes of the business of the country and excluding everybody else from participation in that business.

I protest, Mr. Speaker, that this bill ought to be brought down to the terms of the Pennsylvania statute in any event, or to the terms of the New York statute. It is a great mistake to say that the New York statute is not limited territorially in its operation. But here is a measure which, like the high-priesthood of Melchizedek, is without "beginning of days or end of life." It has no limitation in geographical operation, and it has no limitation to its life. It is a perpetual succession, with perpetual power to draw into its maw all the estates of the surrounding country.

Mr. Speaker, at the proper time I shall offer an amendment to this bill.

EXTENSION OF THE DAY'S SESSION.

The SPEAKER. The Chair desires to ask unanimous consent that the session of to-day be extended from 5 o'clock until 6 o'clock p. m., as there is a possibility of the presentation of an important conference report.

There was no objection, and it was so ordered.

TRUST, LOAN, AND OTHER CORPORATIONS IN THE DISTRICT.

Mr. HEMPHILL. Mr. Speaker, I have been very much astonished at the criticism that has been passed upon this bill, and I am satisfied that the gentlemen who have criticised it have done so because of a misapprehension of its provisions. I am convinced that there has never been presented to any legislative assembly a bill more properly and securely guarded than this measure is, and instead of its being an innovation such as the gentleman from Ohio [Mr. GROSVENOR] has described in eloquent terms, it is simply following out the law that is in operation in more than one-half the States of this Union. We all know that the time has gone by when large estates can be handled by an executor or administrator in his own person.

Mr. JOSEPH D. TAYLOR. Will the gentleman permit a question?

Mr. HEMPHILL. I can not yield now because I have so little time. Otherwise I should be glad to hear the gentleman's question.

Mr. HOOKER. Why can not an individual administer an estate as well now as heretofore?

Mr. HEMPHILL. For the reason that he can not give the security that is required to administer upon a large estate amounting to a million or two million dollars. There have been instances in this District and in several of the States of this Union where gentlemen of large possessions have had to go into other States and there appoint some of these corporations their executor or trustees to administer upon their estates.

Now, Mr. Speaker, I want to call the attention of the House to the fact that this matter of administering upon estates is not put by this bill into the hands of this corporation. The bill expressly provides that the corporation is not to be appointed as administrator unless the other persons who, under the existing law, now have the right to administer are unable to do so.

The matter is absolutely under the control of this statute as it stands to-day, and this bill simply provides that if the widow, or the children, or the creditors do not come in and administer, then the court may appoint one of these corporations to act as administrator. But it will be observed that the court can not appoint the corporation administrator of any estate unless the other parties who have now under the law the right to administer refuse to do so or are unable to do so. Therefore it is simply making an addition of another person who will have the right to administer when the necessity arises.

Now, something has been said about this being a great monopoly. The bill, which was read in the presence of the House, provides that any twenty-five persons anywhere in this District shall have the right to form a corporation of this character; and there can not be a monopoly when the privilege of organizing companies of this character is thus extended impartially to all persons. It is provided that any corporation, when organized, shall deposit one-fourth of the amount of its capital with the Comptroller of the Currency as security for the faithful execution of the trusts committed to it. In addition to that, the capital stock of the company is absolutely liable for any default whatever. If the assets of an estate are stolen the company must make up the loss, no matter under what circumstances the robbery may have occurred. If the company has in its charge property which is burned up it must refund the value, no matter whether the fire occurs by the negligence of the company or not. In addition to this, the stockholders are liable in an amount equal to the capital which they pay into the company, so that each stockholder is responsible not only for the money he puts into the corporation, but for 100 per cent. besides. It is also provided that there shall be constant supervision of these corporations; the court at any time it sees fit may call upon them for additional security.

Unless we are going to deny to the people of this District that which is granted by legislation in more than half of the States of this Union

to their citizens, there can be no objection to this bill. In Ohio they have now such a law, as they have in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Virginia, Georgia, Louisiana, Illinois, etc.

Mr. GROSVENOR. There is no such law as this in Ohio.

Mr. HEMPHILL. There is no such law, because they do not have so good a one. I have examined the statutes of the different States; the gentleman from Ohio has not done so.

Mr. GROSVENOR. In Ohio the operation of our corporations is limited to the State.

Mr. HEMPHILL. No, sir. If I choose to appoint a corporation of the State of Ohio as executor of my estate, I have a right to do so.

Mr. GROSVENOR. But a court can not do it.

Mr. HEMPHILL. And a court can not do it under this bill. No court under the sun can appoint a man an executor outside of the State. If that is the thing which is troubling the gentleman I wish to say that so far as I am concerned I have no objection to an amendment providing that a court in Maryland, or South Carolina, or Virginia or any other State shall not appoint one of these corporations in this District an executor.

Mr. GROSVENOR. That is not my point. I want you to agree that a court of the District of Columbia shall not appoint a receiver or guardian upon an estate in Florida or Ohio.

Mr. HEMPHILL. Why, of course, Mr. Speaker, everybody ought to know that a court in the District of Columbia can have no charge of property in Florida or South Carolina; and it can not appoint anybody to administer such property.

Mr. GROSVENOR. That is what this bill undertakes to do.

Mr. HEMPHILL. We can not do it by any act under the sun.

Mr. JOSEPH D. TAYLOR. I would like to ask the gentleman from South Carolina a question.

The SPEAKER. The time allowed for debate has expired.

Mr. BUCHANAN, of New Jersey. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 8 of section 1, after the word "on," insert "in the District of Columbia;" so as to read "any number of natural persons, not less than twenty-five, may associate themselves together to form a corporation for the purpose of carrying on in the District of Columbia any one of the three classes of business," etc.

Mr. HEMPHILL. We do not object to that.

The SPEAKER. Without objection, the amendment will be considered as adopted.

There was no objection.

Mr. MCCORMICK. I offer the amendment which I send to the desk.

The Clerk read as follows:

At the end of section 7 add the following:

"That any corporation formed under the provisions of this act, when acting as trustee, shall be liable to account for the amounts actually earned by the moneys held by it in trust, in addition to the principal so held; but such corporation may be allowed a reasonable compensation for services performed in the care of the trust estate."

Mr. HEMPHILL. I have no objection to that. That is the law already.

The SPEAKER. Without objection, the amendment will be considered as agreed to.

There was no objection.

Mr. GROSVENOR. I desire to offer an amendment. I have framed it with reference to the text of the House bill, for I can not get a copy of the Senate bill; but I think it will be intelligible.

The Clerk read as follows:

In line 16, page 2, strike out "\$1,000,000" and insert "\$350,000."

Mr. GROSVENOR. This merely changes the amount of capital from one million to a quarter of a million dollars; that is to say, a quarter of a million dollars is the minimum; the stockholders may increase it as they see fit.

Mr. HEMPHILL. The difficulty about that is that it may lead to the formation of a number of very small companies. This bill, as the gentleman from Kansas and the gentleman from Ohio have stated, confers very large powers upon these corporations; and it is a dangerous thing to give to a corporation with only \$250,000 capital the powers here granted. I wish to say that there are already three companies of this character in operation in this District, and I know of one more ready to go into operation, so that there will be at least four, and probably five or six, of these companies. There is no danger of there being a monopoly.

Mr. JOSEPH D. TAYLOR. I wish to inquire of the gentleman whether in any of the States of this Union there is a law providing that there must be a capital of \$1,000,000 before the company shall be authorized to transact business.

Mr. HEMPHILL. Well, I can not say about that.

Mr. BAKER. I can answer the gentleman—

Mr. JOSEPH D. TAYLOR. There is no such law.

Mr. HEMPHILL. Then, if you knew, you need not have asked me.

The SPEAKER. The time for debate has expired, and the question is on agreeing to the amendment.

The amendment was rejected.

Mr. GROSVENOR. I now offer the amendment I send to the desk, to be added to section 34.

The Clerk read as follows:

Provided, That the courts of the District of Columbia shall not have power to appoint any trustee, trustees, guardians, receivers, or other trustees of a fund or property located outside of the District of Columbia, or belonging to a corporation or person having a legal residence or location outside of said District.

Mr. GROSVENOR. That will come in at the end of the thirty-fourth section and will make the law just what the gentleman from South Carolina says it is now.

Mr. HEMPHILL. I have no objection to that.

The amendment was adopted.

Mr. BAKER. I offer the amendment I send to the desk.

The Clerk read as follows:

In section 11, line 1, after the word "company," insert the words "surety or guaranty company."

Mr. GROUT. That is already provided for in section 2.

Mr. BAKER. I think not. It is certainly not provided for in this section.

Mr. GROUT. But if the gentleman wants it in again I have no objection.

Mr. BAKER. It is not in the bill now.

The amendment was adopted.

Mr. MOREY. I offer an amendment, Mr. Speaker.

The Clerk read as follows:

In the first section, after the words "natural persons," insert the words "citizens of the United States."

The amendment was adopted.

Mr. MOREY. I offer another amendment.

The Clerk read as follows:

In section 1 strike out "one million" and insert "five hundred thousand."

The amendment was rejected.

The question being taken upon ordering the bill as amended to be read a third time, on a division there were—ayes 84, noes 66.

The bill was accordingly read the third time.

The question recurred upon the passage of the bill.

Mr. ANDERSON, of Kansas. On that I demand the yeas and nays.

Mr. HOLMAN. Let us first take the vote by a division.

Mr. ANDERSON, of Kansas. Very well; I withdraw the demand. The question was taken; and on a division there were—ayes 86, noes 66.

Mr. ANDERSON, of Kansas, and Mr. HOLMAN demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 91, nays 84, not voting 150; as follows:

YEAS—91.

Adams,	Covert,	Mason,	Rusk,
Anderson, Miss.	Craig,	Miles,	Sanford,
Arnold,	Crain,	Moffitt,	Sawyer,
Atkinson, Pa.	Culbertson, Pa.	Moore, N. H.	Seidl,
Atkinson, W. Va.	Cutcheon,	Morrill,	Snider,
Baker,	Dalzell,	Morrow,	Stephenson,
Banks,	Dingley,	Morse,	Stewart, Vt.
Bayne,	Dorsey,	Nute,	Stivers,
Beckwith,	Evans,	Oates,	Struble,
Belden,	Farquhar,	O'Neill, Pa.	Taylor, Ill.
Belknap,	Gear,	Osborne,	Thomas,
Bingham,	Greenhalge,	Payne,	Townsend, Pa.
Bowden,	Groat,	Perkins,	Tracey,
Brewer,	Harmer,	Post,	Turner, Ga.
Brossus,	Haugen,	Price,	Turner, Kans.
Burton,	Hayes,	Quackenbush,	Vandever,
Candler, Mass.	Heard,	Quinn,	Van Schaick,
Carter,	Hemphill,	Raines,	Wallace, Mass.
Caswell,	Ketcham,	Randall,	Wallace, N. Y.
Clark, Wis.	Kinsey,	Ray,	Wickham,
Cogswell,	Langston,	Reyburn,	Wilkinson,
Coleman,	Lansing,	Rife,	Wilson, Wash.
Conger,	Lodge,	Rockwell,	

NAYS—84.

Allen, Mich.	Flick,	Laws,	Seney,
Anderson, Kans.	Flower,	Lehlbach,	Sherman,
Andrew,	Forney,	Lester, Ga.	Simonds,
Bartine,	Fowler,	Lewis,	Smith, Ill.
Bergen,	Gest,	Lind,	Smith, W. Va.
Blount,	Goodnight,	McAdoo,	Smayser,
Bookman,	Grosvenor,	McCarthy,	Stewart, Tex.
Brickner,	Hall,	McClellan,	Stockbridge,
Brookshire,	Hansbrough,	McCormick,	Stockdale,
Buchanan, N. J.	Hatch,	McMillin,	Stone, Ky.
Caldwell,	Henderson, Ill.	Morey,	Swaney,
Candler, Ga.	Herbert,	Mitchler,	Taylor, E. B.
Caruth,	Hitt,	O'Donnell,	Taylor, J. D.
Cheadle,	Holman,	O'Neil, Mass.	Thompson,
Clancy,	Hopkins,	Penington,	Tillman,
Dickerson,	Kelley,	Pickler,	Waddill,
Dolliver,	Kennedy,	Pugaley,	Wheeler, Ala.
Dunnell,	Kerr, Iowa	Reed, Iowa	Wheeler, Mich.
Dunphy,	Kilgore,	Reilly,	Whitthorne,
Featherston,	Lacey,	Russell,	Wike,
Fitch,	La Follette,	Sayers,	Williams, Ohio.

NOT VOTING—150.

Abbott,	Cooper, Ohio	Lane,	Phelan,
Alderson,	Cottrill,	Lanham,	Pierce,
Allen, Miss.	Cowles,	Lawler,	Richardson,
Bankhead,	Crisp,	Lee,	Robertson,
Barnes,	Culbertson, Tex.	Lester, Va.	Rogers,
Barwig,	Cummings,	Magner,	Rowell,
Biggs,	Dargan,	Malsh,	Rowland,
Blanchard,	Darlington,	Mansur,	Seranton,
Bland,	Davidson,	Martin, Ind.	Shively,
Bliss,	De Haven,	Martin, Tex.	Skinner,
Boatner,	De Lano,	McClammy,	Spicola,
Boutelle,	Dockery,	McComas,	Spooner,
Breckinridge,	Edmonds,	McCord,	Springer,
Brower,	Ellis,	McCreary,	Stahnecker,
Brown, J. B.	Enloe,	McDuffie,	Stewart, Ga.
Browne, T. M.	Ewart,	McKenna,	Stone, Mo.
Brown, Va.	Finley,	McKinley,	Stump,
Brunner,	Fithian,	McRae,	Tarsney,
Buchanan, Va.	Flood,	Miller,	Taylor, Tenn.
Buckalew,	Forman,	Milliken,	Townsend, Colo.
Bullock,	Frank,	Mills,	Tucker,
Bunn,	Funston,	Montgomery,	Turner, N. Y.
Burrows,	Geismenhainer,	Moore, Tex.	Vaux,
Butterworth,	Gifford,	Morgan,	Waide,
Bynum,	Grimes,	Mudd,	Walker,
Campbell,	Hare,	Niedringhaus,	Washington,
Cannon,	Haynes,	Norton,	Whiting,
Carlton,	Henderson, Iowa	O'Ferrall,	Wiley,
Catchings,	Henderson, N. C.	O'Neill, Ind.	Willcox,
Cheatham,	Hermann,	Outhwaite,	Williams, Ill.
Chipman,	Hill,	Owen, Ind.	Wilson, Ky.
Clarke, Ala.	Hooker,	Owens, Ohio	Wilson, Mo.
Clements,	Houk,	Paynter,	Wilson, W. Va.
Clunie,	Kerr, Pa.	Payson,	Wright,
Cobb,	Knapp,	Peel,	Yardley,
Comstock,	Laidlaw,	Perry,	Yoder.
Connell,		Peters,	
Cooper, Ind.			

So the bill was passed.

The following pairs were announced:

Until farther notice:

Mr. DE HAVEN with Mr. BIGGS.

Mr. BELDEN with Mr. FLOWER.

Mr. OWEN, of Indiana, with Mr. JASON B. BROWN.

Mr. CONNELL with Mr. ALDERSON.

Mr. PETERS with Mr. MANSUR.

Mr. YARDLEY with Mr. KERR, of Pennsylvania.

Mr. WRIGHT with Mr. GEISENHAINER.

Mr. THOMAS M. BROWNE with Mr. ROGERS.

Mr. WILSON, of Kentucky, with Mr. PAYNTER.

Mr. EWART with Mr. HENDERSON, of North Carolina.

Mr. FINLEY with Mr. CANDLER, of Georgia.

Mr. BOWDEN with Mr. MCRAE.

Mr. BLISS with Mr. CHIPMAN.

Mr. MCCORD with Mr. FITHIAN.

Mr. COOPER, of Ohio, with Mr. WILSON, of Missouri.

Mr. MCKENNA with Mr. CLUNIE.

Mr. FRANK with Mr. BLAND.

Mr. WADE with Mr. DOCKERY.

Mr. DARLINGTON with Mr. PEEL.

Mr. MILLIKEN with Mr. DIBBLE.

Mr. KETCHAM with Mr. CLARKE, of Alabama.

Mr. ROWELL with Mr. CRISP.

Mr. BUTTERWORTH with Mr. OUTHWAITE.

Mr. MCKINLEY with Mr. MILLS.

Mr. TAYLOR, of Tennessee, with Mr. LEE, for the rest of the day.

Mr. FLOOD with Mr. OWENS, of Ohio, for this day.

Mr. BROWER with Mr. MCCLAMMY, for this day.

Mr. MUDD with Mr. ABBOTT, for the rest of the day.

Mr. TOWNSEND, of Colorado, with Mr. TARSNEY, for the rest of the day.

Mr. FUNSTON with Mr. COBB, for the rest of the day.

Mr. HERMANN with Mr. LANHAM, for the rest of the day.

Mr. BROWNE, of Virginia, with Mr. WHITING, on this vote.

Mr. MCCOMAS with Mr. O'FERRALL, on this vote.

Mr. ENLOE. I withdraw my vote, as I am paired with my colleague, Mr. HOUK.

Mr. MCCORD. I also withdraw my vote, being paired.

The result of the vote was then announced as above recorded.

Mr. GROUT. I ask unanimous consent that a conference be ordered.

Mr. ANDERSON, of Kansas. I object.

The SPEAKER. The gentleman from Kansas objects.

The bill (H. R. 9795) on the same subject was laid on the table.

Mr. O'NEILL, of Pennsylvania. Regular order.

SHERMAN AND NORTHWEST RAILWAY COMPANY.

The SPEAKER also laid before the House the bill (S. 4309) granting right of way to the Sherman and Northwest Railway Company through the Indian Territory, and for other purposes.

Mr. PERKINS. Mr. Speaker, I will say to the House that that bill contains all the provisions that have been incorporated by the House in bills of like character, and I ask unanimous consent to dispense with the reading of the bill.

Mr. ANDERSON, of Kansas. Mr. Speaker, I would like to ask the gentleman a question, whether this bill does not confer in terms the ownership of the road upon this corporation.

Mr. PERKINS. I do not remember as to that particular, but if it does I am willing that the words should be stricken out and that the bill should be amended in that respect.

Mr. ANDERSON, of Kansas. Let the bill be amended in that regard.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

Mr. ANDERSON, of Kansas. I move to amend by striking out the word "own" or "owning" wherever it occurs. I object to the idea of giving ownership of this road to this corporation by act of Congress.

The Clerk read as follows:

Amend by striking out the words "own" or "owning" wherever they occur in the bill.

The amendment was agreed to.

The bill as amended was ordered to a third reading; and was accordingly read the third time, and passed.

The House bill of similar import was ordered to lie on the table.

ENROLLED BILLS SIGNED.

Mr. KENNEDY, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 5) for the relief of Bessie S. Gilmore;

A bill (S. 2781) to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes;

A bill (S. 3257) granting a pension to Mary Crook, widow of George Crook, late a major-general in the United States Army;

A bill (S. 3711) granting a pension to Ellen M. McClellan;

A bill (S. 4233) granting a pension to Jessie Benton Frémont;

A bill (S. 4375) to provide an American register for the steamship G. W. Jones, of New York;

A bill (H. R. 2174) to remove charges of desertion from Ellery C. Folger;

A bill (H. R. 8247) to authorize entry of the public lands by incorporated cities and towns for cemetery and park purposes; and

A bill (H. R. 8943) to provide for the establishing of a port of delivery at Peoria, Ill.

THE REVENUE BILL.

Mr. MCKINLEY. Mr. Speaker, I rise to make a privileged report. I present the report of the committee of conference of the House and Senate on the disagreeing votes of the two Houses upon House bill 9416, and I ask that the report and statement accompanying the report, made by the House conferees, may be printed in the RECORD. I also ask unanimous consent that 500 copies of the bill, showing the changes recommended by the conferees, may be printed for the use of the House, to be delivered to-morrow morning.

A MEMBER. Make it 1,000.

Several MEMBERS. Make it 5,000.

Mr. DINGLEY. We do not want as many copies as that printed until the bill is passed.

The SPEAKER. The gentleman from Ohio [Mr. MCKINLEY] asks unanimous consent that the report and the statement of the conferees be printed in the RECORD—without reading?

Mr. MCKINLEY. Without reading, unless the reading is demanded.

The SPEAKER (continuing). And that 500 copies, showing the changes suggested by the conferees, be printed for the use of the House, for delivery in the morning.

Mr. MCADOO. I hope there will be 5,000 copies.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

Mr. McMILLIN. Mr. Speaker, before this is agreed to—

Mr. HOLMAN. Mr. Speaker, I hope there will be 5,000 copies printed.

The SPEAKER. The suggestion of the gentleman from Ohio is, that 500 copies be printed for delivery to-morrow morning. If the House desires more copies, that can be arranged.

Mr. McMILLIN. It is not to that branch of it that I propose to address myself. I wish to reserve the privilege of objecting. I do not wish to be forced to insist upon my right to object, but I wish to know, before the reading is dispensed with and the other steps are taken, what course the gentleman from Ohio [Mr. MCKINLEY] desires to take as to commencing the consideration of the conference report.

Mr. MCKINLEY. I wish to give notice that to-morrow, immediately after the reading of the Journal, I shall call up this report for consideration and final disposition.

Mr. McMILLIN. Mr. Speaker, I trust that the gentleman from Ohio will not insist on that. The conferees did not agree on most of the controverted matters until late yesterday afternoon, and upon some of them not until to-day. The members of the House have never read the conference report. When this bill that it is asked to have printed is reported its intricacies can be observed. I state now, and an inspection of the bill will verify the statement, that it can not be properly

studied within the time which is indicated by the gentleman from Ohio.

It is utterly impossible to make a calm or thorough investigation within the time he has indicated, and I hope he will consent that it may be taken up Monday morning. [Cries of "Oh, no!" on the Republican side.] There is no disposition on this side of the House to improperly delay it, but it is an exceedingly important measure and I trust that that course will be taken. The petition I make is in behalf of those of us who have found it impossible, in the limited time since the conferees have agreed, to prepare the kind of a statement which ought to be made concerning the effects of the bill.

Mr. McKINLEY. I desire to say in reply to the gentleman that the bill, which I have asked unanimous consent to have printed, will show in the most striking way all the changes that are recommended by the conference committee. Wherever a paragraph has been amended, the changes will appear in the bill in small caps, showing the exact phraseology that is reported and recommended by the committee of conference. I want to say further that as to the main features of this bill the points of disagreement between the House and the Senate have been perfectly well understood for weeks and are perfectly well known, and the subjects of all our differences are well known. Gentlemen on both sides of this Chamber are impatient to get home; and I must insist, Mr. Speaker, that to-morrow, after the reading of the Journal, we commence the consideration of this report.

Several MEMBERS. That is right.

Mr. McMILLIN. Then, Mr. Speaker, if it is decreed that we must proceed to the consideration of it to-morrow afternoon, in order that those of us who have not seen the statement and have not had access to it can know what it is, I shall insist upon the reading, but not with a view to punishing the House. To printing the conference report in the RECORD I have no objection. I think that the report and statement should be printed in the RECORD. I believe they ought to be so printed because that is one means the House has of becoming familiar with the proposed changes.

Mr. CUTCHEON. May I ask the gentleman from Ohio—

The SPEAKER. Will the gentleman from Ohio give his attention? The Chair would like to know what the House has agreed to.

Mr. McKINLEY. I move to dispense with the reading of the report, and have it printed in the RECORD.

Mr. McMILLIN. Mr. Speaker, I believe, under the rules, that can not be done except by unanimous consent; and if this is to be proceeded with without consideration, I shall object. I demand the reading of the report.

Mr. McKINLEY. I suggest, then, that we proceed with the reading of the report, and if it is not finished at 6 o'clock, when I am told a recess has been ordered, we then take the recess and conclude the reading to-morrow morning.

Mr. McMILLIN. I object to anything except the regular order, as the gentleman insists upon proceeding to-morrow.

The SPEAKER. As the Chair understands, the conference report is to be printed in the RECORD.

Mr. McMILLIN. That, Mr. Speaker, is agreed to.

The SPEAKER. Then the Chair hears no objection to the request of the gentleman from Ohio, with the exception of that portion relating to dispensing with the reading of the conference report, and the Clerk will proceed to read.

The Clerk proceeded to read the report of the committee of conference, which is as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9416) to reduce the revenue and equalize duties on imports, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 57, 58, 63, 85, 93, 93, 101, 104, 106, 108, 109, 132, 161, 164, 170, 191, 192, 193, 217, 218, 251, 293, 294, 295, 306, 322, 324, 335, 338, 348, 350, 351, 355, 357, 360, 381, 382, 385, 393, 397, 418, 421, 443, 444, 449, 481, 482, 493, 494, 497, 497.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 6, 7, 8, 9, 12, 14, 20, 21, 22, 24, 25, 30, 31, 32, 31, 35, 36, 37, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 56, 72, 73, 74, 75, 76, 77, 79, 80, 81, 82, 83, 84, 91, 92, 99, 100, 102, 103, 107, 110, 111, 112, 113, 114, 115, 120, 121, 122, 127, 130, 131, 134, 135, 136, 137, 140, 141, 142, 143, 144, 145, 146, 147, 148, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 179, 180, 182, 184, 185, 186, 187, 189, 195, 224, 225, 226, 227, 228, 229, 234, 238, 239, 240, 243, 244, 245, 246, 254, 261, 262, 263, 264, 265, 266, 267, 268, 270, 274, 275, 276, 277, 278, 280, 282, 283, 284, 285, 286, 287, 288, 289, 291, 296, 299, 300, 301, 304, 305, 307, 310, 316, 319, 321, 323, 326, 328, 332, 334, 336, 337, 339, 340, 342, 343, 347, 349, 351, 353, 354, 359, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 373, 374, 375, 376, 377, 378, 383, 384, 385, 386, 387, 389, 392, 393, 394, 398, 399, 400, 402, 403, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 419, 420, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 454, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 488, 489, 490, 492, 493, 496; and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: Striking out the word "first," in line 1 of the bill, and inserting in lieu thereof the word "sixth," and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment striking out the paragraph and inserting in lieu thereof the following: "6. Tannic acid or tannin, 75 cents per pound."

And the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to

the amendment of the Senate numbered 10, and agree to the same with an amendment striking out the paragraph and inserting in lieu thereof the following:

"19. All coal-tar colors or dyes, by whatever name known, and not specially provided for in this act, 35 per cent. ad valorem."

And the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: Striking out the paragraph and inserting in lieu thereof the following:

"19. All preparations of coal-tar, not colors or dyes, not specially provided for in this act, 20 per cent. ad valorem."

And the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: Striking out the paragraph and inserting in lieu thereof the following:

"26. Extracts and decoctions of logwood and other dye-woods, extract of sumac, and extracts of barks, such as are commonly used for dyeing or tanning, not specially provided for in this act, seven-eighths of 1 cent per pound; extracts of hemlock bark, one-half of 1 cent per pound."

And the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment striking out the paragraph and inserting in lieu thereof as follows: "28. Glycerine, crude, not purified, 1½ cents per pound; refined, 4½ cents per pound."

And the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment striking out the paragraph and inserting in lieu thereof as follows:

"33. Licorice, extracts of, in paste, rolls, or other forms, 5½ cents per pound."

And the Senate agree to the same.

Amendments numbered 17, 18, and 19: That the House recede from its disagreement to the amendments of the Senate numbered 17, 18, and 19, and agree to the same with amendments striking out the paragraph and inserting in lieu thereof as follows:

"36. Alizarine assistant, or soluble oil, or oleate of soda, or Turkey red oil, containing 50 per cent. or more of castor oil, 80 cents per gallon; containing less than 50 per cent. of castor oil, 40 cents per gallon; all other, 30 per cent. ad valorem."

And the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment striking out the paragraph and inserting in lieu thereof as follows:

"45. Peppermint oil, 80 cents per pound."

And the Senate agree to the same.

Amendments numbered 25 and 27: That the House recede from its disagreement to the amendments of the Senate numbered 25 and 27, and agree to the same with amendments by striking out the paragraph and inserting in lieu thereof as follows:

"49. Baryta, sulphate of, or barytes, including barytes earth, unmanufactured, \$1.12 per ton; manufactured, \$5.72 per ton."

And the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment striking out the paragraph and inserting in lieu thereof as follows:

"50. Blues, such as Berlin, Prussian, Chinese, and all others, containing ferrocyanide of iron, dry or ground in or mixed with oil, 6 cents per pound; in pulp or mixed with water, 6 cents per pound on the material contained therein when dry."

And the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment striking out the paragraph and inserting in lieu thereof as follows:

"53. Chrome yellow, chrome green, and all other chromium colors in which lead and bichromate of potash or soda are component parts, dry, or ground in or mixed with oil, 4½ cents per pound; in pulp or mixed with water, 4½ cents per pound on the material contained therein when dry."

And the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment striking out the paragraph and inserting in lieu thereof as follows:

"All paints and colors, mixed or ground with water or solutions other than oil, and commercially known as artists' water-color paints, 30 per cent. ad valorem."

And the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment striking out the paragraph and inserting in lieu thereof as follows:

"68. Phosphorus, 20 cents per pound."

And the Senate agree to the same.

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment striking out the paragraph and inserting in lieu thereof as follows:

"85. Sulphate of soda, or salt-cake or niter-cake, \$1.25 per ton."

And the Senate agree to the same.

Amendment numbered 54: That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment striking out the paragraph and inserting in lieu thereof as follows:

"68. Sulphur, refined, \$3 per ton; sublimed, or flowers of, \$10 per ton."

And the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment striking out the paragraph and inserting in lieu thereof as follows:

"80. Sumac, ground, four-tenths of 1 cent per pound."

And the Senate agree to the same.

Amendment numbered 59: That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment striking out the paragraph and inserting in lieu thereof as follows:

"101. All other china, porcelain, parian, bisque, earthen, stone, and crockery ware, and manufactures of the same, by whatever designation or name known in the trade, including lava tips for burners, not specially provided for in this act, if ornamented or decorated in any manner, 60 per cent. ad valorem; if not ornamented or decorated, 55 per cent. ad valorem."

And the Senate agree to the same.

Amendment numbered 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment striking out the paragraph and inserting in lieu thereof as follows:

"103. Green, and colored, molded or pressed, and flint and lime glass bottles, holding more than one pint, and demijohns, and carboys (covered or uncovered), and other molded or pressed green and colored and flint or lime bottle glassware, not specially provided for in this act, 1 cent per pound. Green, and colored, molded or pressed and flint and lime glass bottles, and vials holding

not more than one pint and not less than one-quarter of a pint, 1½ cents per pound; if holding less than one-fourth of a pint, 50 cents per gross.

And the Senate agree to the same.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment striking out the paragraph and inserting in lieu thereof as follows:

"105. Flint and lime, pressed glassware, not cut, engraved, painted, etched, decorated, colored, printed, stained, silvered, or gilded, 60 per cent. ad valorem."

And the Senate agree to the same.

Amendment numbered 62: That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment striking out the paragraph and inserting in lieu thereof as follows:

"106. All articles of glass, cut, engraved, painted, colored, printed, stained, decorated, silvered, or gilded, not including plate-glass silvered, or looking-glass plates, 60 per cent. ad valorem."

And the Senate agree to the same.

Amendment numbered 64: That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment striking out the paragraph and inserting in lieu thereof as follows:

"108. Thin blown glass, blown with or without a mold, including glass chimneys and all other manufacture of glass, or of which glass shall be the component material of chief value, not specially provided for in this act, 60 per cent. ad valorem."

And the Senate agree to the same.

Amendment No. 65: That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment striking out the paragraph and inserting in lieu thereof as follows:

"109. Heavy blown glass, blown with or without a mold, not cut or decorated, finished or unfinished, 60 per cent. ad valorem."

And the Senate agree to the same.

Amendment numbered 66: That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment striking out the paragraph and inserting in lieu thereof as follows:

"110. Porcelain or opal glassware, 60 per cent. ad valorem."

And the Senate agree to the same.

Amendments numbered 67, 68, 69, 70, and 71: That the House recede from its disagreement to the amendments of the Senate numbered 67, 68, 69, 70, and 71, and agree to the same with an amendment striking out the paragraph and inserting in lieu thereof as follows:

"112. Unpolished cylinder, crown, and common window glass, not exceeding 10 by 15 inches square, 1½ cents per pound; above that, and not exceeding 16 by 24 inches square, 1½ cents per pound; above that, and not exceeding 24 by 30 inches square, 2½ cents per pound; above that, and not exceeding 24 by 36 inches square, 2½ cents per pound; all above that, 3½ cents per pound: *Provided*, That unpolished cylinder, crown, and common window glass imported in boxes shall contain 50 square feet, as nearly as sizes will permit, and the duty shall be computed thereon according to the actual weight of glass."

And the Senate agree to the same.

Amendment numbered 78: That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment striking out the paragraph and inserting in lieu thereof as follows:

"122. All stained or painted window-glass and stained or painted glass windows, and hand, pocket, or table mirrors not exceeding in size 144 square inches, with or without frames or cases, of whatever material composed, lenses of glass or pebble, wholly or partly manufactured, and not specially provided for in this act, and fusible enamel, 45 per cent. ad valorem."

And the Senate agree to the same.

Amendments numbered 86, 87, 88, 89, and 90: That the House recede from its disagreement to the amendments of the Senate numbered 86, 87, 88, 89, and 90, and agree to the same with an amendment striking out the paragraph and inserting in lieu thereof as follows:

"138. Boiler or other plate iron or steel, except saw-plates hereinafter provided for, not thinner than No. 10 wire gauge, sheared or unsheared, and skelp iron or steel sheared or rolled in grooves, valued at 1 cent per pound or less, five-tenths of 1 cent per pound; valued above 1 cent and not above 1.4 cents per pound, sixty-five hundredths of 1 cent per pound; valued above 1.4 cents and not above 2 cents per pound, eight-tenths of 1 cent per pound; valued above 2 cents and not above 3 cents per pound, 1½ cents per pound; valued above 3 cents and not above 4 cents per pound, 1.5 cents per pound; valued above 4 cents and not above 7 cents per pound, 2 cents per pound; valued above 7 cents and not above 10 cents per pound, 2.5 cents per pound; valued above 10 cents and not above 13 cents per pound, 3½ cents per pound; valued above 13 cents per pound, 45 per cent. ad valorem: *Provided*, That all plate iron or steel thinner than No. 10 wire gauge shall pay duty as iron or steel sheets."

And the Senate agree to the same.

Amendments numbered 94, 95, 96, and 97: That the House recede from its disagreement to the amendments of the Senate numbered 94, 95, 96, and 97, and agree to the same with an amendment striking out the paragraph and inserting in lieu thereof the following:

"141. All iron or steel sheets or plates, and all hoop, band, or scroll iron or steel, excepting what are known commercially as tin-plates,terne-plates, and taggers tin, and hereinafter provided for, when galvanized or coated with zinc or spelter, or other metals, or any alloy of those metals, shall pay three-fourths of 1 cent per pound more duty than the rates imposed by the preceding paragraph upon the corresponding gauges or forms of common or black sheet or taggers iron or steel: and on and after July 1, 1891, all iron or steel sheets, or plates, or taggers iron coated with tin or lead or with a mixture of which these metals or either of them is a component part, by the dipping or any other process, and commercially known as tin-plates,terne-plates, and taggers tin, shall pay 2.2 cents per pound: *Provided*, That on and after July 1, 1891, manufactures of which tin, tin-plates,terne-plates, taggers tin, or either of them, are component materials of chief value, and all articles, vessels, or wares manufactured, stamped, or drawn from sheet-iron or sheet-steel, such material being component of chief value, and coated wholly or in part with tin or lead or a mixture of which these metals or either of them is a component part, shall pay a duty of 55 per cent. ad valorem: *Provided further*, That on and after October 1, 1897, tin-plates andterne-plates lighter in weight than 63 pounds per hundred square feet shall be admitted free of duty, unless it shall be made to appear to the satisfaction of the President (who shall thereupon by proclamation make known the fact) that the aggregate quantity of such plates lighter than 63 pounds per hundred square feet produced in the United States during either of the six years next preceding June 30, 1897, has equaled one-third the amount of such plates imported and entered for consumption during any fiscal year after the passage of this act, and prior to said October 1, 1897: *Provided*, That the amount of such plates manufactured into articles exported, and upon which a drawback shall be paid, shall not be included in ascertaining the amount of such importations: *And provided further*, That the amount or weight of sheet-iron or sheet-steel manufactured in the United States and applied or wrought in the manufacture of articles or wares tinued orterne-plated in the United States, with weight allowance as sold to manufacturers or others, shall be considered as tin andterne plates produced in the United States within the meaning of this act."

And the Senate agree to the same.

Amendment numbered 103: That the House recede from its disagreement to

the amendment of the Senate numbered 103, and agree to the same with an amendment striking out the paragraph and inserting in lieu thereof the following:

"132. On all iron or steel bars or rods of whatever shape or section, which are cold rolled, cold hammered, or polished in any way in addition to the ordinary process of hot rolling or hammering, there shall be paid one-fourth of 1 cent per pound in addition to the rates provided in this act; and on all strips, plates, or sheets of iron or steel of whatever shape, other than the polished, planished, or glanced sheet-iron or sheet-steel hereinafter provided for, which are cold rolled, cold hammered, blued, brightened, tempered, or polished by any process to such perfected surface finish, or polish better than the grade of cold rolled, smooth only, hereinafter provided for, there shall be paid 1½ cents per pound in addition to the rates provided in this act upon plates, strips, or sheets of iron or steel of common or black finish; and on steel circular-saw plates there shall be paid 1 cent per pound in addition to the rate provided in this act for steel saw plates."

And the Senate agree to the same.

Amendments numbered 115 and 116: That the House recede from its disagreement to the amendments of the Senate numbered 115 and 116, and agree to the same with an amendment striking out the paragraph and inserting in lieu thereof as follows:

"186. Aluminium or aluminum, in crude form, alloys of any kind in which aluminium is the component material of chief value, 15 cents per pound."

And the Senate agree to the same.

Amendments numbered 117 and 118: That the House recede from its disagreement to the amendments of the Senate numbered 117 and 118, and agree to the same with an amendment striking out the paragraph and inserting in lieu thereof the following:

"190. Bronze powder, 12 cents per pound; bronze or Dutch-metal, or aluminium, in leaf, 8 cents per package of 100 leaves."

And the Senate agree to the same.

Amendments numbered 123, 124, 125, and 126: That the House recede from its disagreement to the amendments of the Senate numbered 123, 124, 125, and 126, and agree to the same with an amendment striking out the paragraph and inserting in lieu thereof the following:

"191. Bullions and metal thread of gold, silver, or other metals, not specially provided for in this act, 30 per cent. ad valorem."

And the Senate agree to the same.

Amendment numbered 128: That the House recede from its disagreement to the amendment of the Senate numbered 128, and agree to the same with an amendment striking out the paragraph and inserting in lieu thereof as follows:

"203. Nickel, nickel oxide, alloy of any kind in which nickel is the component material of chief value, 10 cents per pound."

And the Senate agree to the same.

Amendment numbered 129: That the House recede from its disagreement to the amendment of the Senate numbered 129, and agree to the same with an amendment striking out the paragraph and inserting in lieu thereof as follows:

"209. Tin: On and after July 1, 1893, there shall be imposed and paid upon cassiterite or black oxide of tin, and upon bar, block, and pig tin, a duty of 4 cents per pound: *Provided*, That unless it shall be made to appear to the satisfaction of the President of the United States (who shall make known the fact by proclamation) that the product of the mines of the United States shall have exceeded 5,000 tons of cassiterite, and bar, block, and pig tin in any one year prior to July 1, 1895, then all imported cassiterite, bar, block, and pig tin shall, after July 1, 1895, be admitted free of duty."

And the Senate agree to the same.

Amendment numbered 133: That the House recede from its disagreement to the amendment of the Senate numbered 133, and agree to the same with an amendment striking out the word "ten;" and the Senate agree to the same.

Amendment numbered 138: That the House recede from its disagreement to the amendment of the Senate numbered 138, and agree to the same with an amendment as follows: Striking out the paragraph and inserting in lieu thereof the following:

"219. Cedar: That on and after March 1, 1891, paving posts, railroad ties, and telephone and telegraph poles of cedar, shall be dutiable at 20 per cent. ad valorem."

And the Senate agree to the same.

Amendment numbered 139: That the House recede from its disagreement to the amendment of the Senate numbered 139, and agree to the same with an amendment as follows: Striking out the paragraph and inserting in lieu thereof the following:

"220. Sawed boards, plank, deals, and all forms of sawed cedar, lignum-vite, lancewood, ebony, box, granadilla, mahogany, rosewood, satinwood, and all other cabinet-woods not further manufactured than sawed, 15 per cent. ad valorem; veneers of wood, and wood, unmanufactured, not specially provided for in this act, 20 per cent. ad valorem."

And the Senate agree to the same.

Amendment numbered 149: That the House recede from its disagreement to the amendment of the Senate numbered 149, and agree to the same with an amendment as follows: Striking out the paragraph and inserting in lieu thereof the following:

"231. That on and after July 1, 1891, and until July 1, 1905, there shall be paid, from any moneys in the Treasury not otherwise appropriated, under the provisions of section 3689 of the Revised Statutes, to the producer of sugar testing not less than 90 degrees by the polariscope, from beets, sorghum, or sugar-cane grown within the United States, or from maple sap produced within the United States, a bounty of 2 cents per pound; and upon such sugar testing less than 90 degrees by the polariscope and not less than 80 degrees a bounty of 1½ cents per pound, under such rules and regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe."

And the Senate agree to the same.

Amendments numbered 162 and 163: That the House recede from its disagreement to the amendments of the Senate numbered 162 and 163, and agree to the same with an amendment as follows: Striking out the paragraph and inserting in lieu thereof the following:

"237. All sugars above No. 16, Dutch standard in color, shall pay a duty of five-tenths of 1 cent per pound: *Provided*, That all such sugars above No. 16, Dutch standard in color, shall pay one-tenth of 1 cent per pound in addition to the rate herein provided for, when exported from, or the product of any country when and so long as such country pays or shall hereafter pay, directly or indirectly, a bounty on the exportation of any sugar that may be included in this grade, which is greater than is paid on raw sugars of a lower saccharine strength; and the Secretary of the Treasury shall prescribe suitable rules and regulations to carry this provision into effect: *And provided further*, That all machinery purchased abroad and erected in a beet-sugar factory and used in the production of raw sugar in the United States from beets produced therein shall be admitted duty free until the 1st day of July, 1892: *Provided*, That any duty collected on any of the above-described machinery purchased abroad and imported into the United States for the uses above indicated since January 1, 1890, shall be refunded."

And the Senate agree to the same.

Amendment numbered 165: That the House recede from its disagreement to the amendment of the Senate numbered 165, and agree to the same with an

amendment as follows: Strike out the paragraph and insert in lieu thereof the following:

"241. That the provisions of this act providing terms for the admission of imported sugars and molasses and for the payment of a bounty on sugars of domestic production shall take effect on the 1st day of April, 1891: *Provided*, That on and after the 1st day of March, 1891, and prior to the 1st day of April, 1891, sugars not exceeding No. 16 Dutch standard in color may be refined in bond without payment of duty, and such refined sugars may be transported in bond and stored in bonded warehouse at such points of destination as are provided in existing laws relating to the immediate transportation of dutiable goods in bond, under such rules and regulations as shall be prescribed by the Secretary of the Treasury."

And the Senate agree to the same.

Amendments numbered 177 and 178: That the House recede from its disagreement to the amendments of the Senate numbered 177 and 178, and agree to the same with an amendment as follows: Striking out the paragraph and inserting in lieu thereof the following:

"281. Pease, green, in bulk or in barrels, sacks, or similar packages, 40 cents per bushel of 60 pounds; pease, dried, 20 cents per bushel; split peas, 50 cents per bushel of 60 pounds; peas in cartons, papers, or other small packages, 1 cent per pound."

And the Senate agree to the same.

Amendment numbered 181: That the House recede from its disagreement to the amendment of the Senate numbered 181, and agree to the same with an amendment as follows: Striking out the paragraph and inserting in lieu thereof the following:

"293. Fish, smoked, dried, salted, pickled, frozen, packed in ice, or otherwise prepared for preservation, and fresh fish not specially provided for in this act, three-fourths of 1 cent per pound."

And the Senate agree to the same.

Amendment numbered 183: That the House recede from its disagreement to the amendment of the Senate numbered 183, and agree to the same with an amendment as follows: Strike out the paragraph and insert in lieu thereof the following:

"301. Oranges, lemons, and limes, in packages of capacity of 1½ cubic feet or less, 13 cents per package; in packages of capacity exceeding 1½ cubic feet and not exceeding 2½ cubic feet, 25 cents per package; in packages of capacity exceeding 2½ cubic feet and not exceeding 5 cubic feet, 50 cents per package; in packages of capacity exceeding 5 cubic feet, for every additional cubic foot or fractional part thereof, 10 cents; in bulk, \$1.50 per one thousand, and in addition thereto a duty of 30 per cent. ad valorem upon the boxes or barrels containing such oranges, lemons, or limes."

And the Senate agree to the same.

Amendment numbered 188: That the House recede from its disagreement to the amendment of the Senate numbered 188, and agree to the same with an amendment as follows: Strike out the paragraph and insert in lieu thereof the following:

"318. Chocolate (other than chocolate confectionery and chocolate commercially known as sweetened chocolate), 2 cents per pound."

And the Senate agree to the same.

Amendment numbered 190: That the House recede from its disagreement to the amendment of the Senate numbered 190, and agree to the same with an amendment as follows: Strike out the paragraph and insert in lieu thereof the following:

"324. Dextrine, burnt starch, gum substitute, or British gum, 1½ cents per pound."

And the Senate agree to the same.

Amendment numbered 194: That the House recede from its disagreement to the amendment of the Senate numbered 194, and agree to the same with an amendment as follows: Strike out the paragraph and insert in lieu thereof the following:

"329. Brandy and other spirits manufactured or distilled from grain or other materials, and not specially provided for in this act, \$2.50 per proof gallon."

And the Senate agree to the same.

Amendments numbered 196 to and including 223: That the House recede from its disagreement to the amendments of the Senate numbered 196 to and including 223, and agree to the same with amendments as follows: Striking out the paragraphs and inserting in lieu thereof the following:

"232. Cordials, liquors, arrack, absinthe, kirchwasser, ratafia, and other spirituous beverages or bitters of all kinds containing spirits, and not specially provided for in this act, \$2.50 per proof gallon."

"333. No lower rate or amount of duty shall be levied, collected, and paid on brandy, spirits, and other spirituous beverages than that fixed by law for the description of first proof; but it shall be increased in proportion for any greater strength than the strength of first proof, and all imitations of brandy or spirits or wines imported by any names whatever shall be subject to the highest rate of duty provided for the genuine articles respectively intended to be represented, and in no case less than \$1.50 per gallon."

"334. Bay-rum or bay-water, whether distilled or compounded, of first proof, and in proportion for any greater strength than first proof, \$1.50 per gallon."

"335. Champagne and all other sparkling wines, in bottles containing each not more than 1 quart and more than 1 pint, \$3 per dozen; containing not more than 1 pint each and more than one-half pint, \$1 per dozen; containing one-half pint each or less, \$2 per dozen; in bottles or other vessels containing more than 1 quart each, in addition to \$3 per dozen bottles, on the quantity in excess of 1 quart at the rate of \$2.50 per gallon."

"336. Still wines, including ginger wine or ginger cordial and vermouth, in casks, 50 cents per gallon; in bottles or jugs, per case of one dozen bottles or jugs, containing each not more than 1 quart and more than 1 pint, or twenty-four bottles or jugs, containing each not more than 1 pint, \$1.60 per case; and any excess beyond these quantities found in such bottles or jugs shall be subject to a duty of 5 cents per pint or fractional part thereof, but no separate or additional duty shall be assessed on the bottles or jugs: *Provided*, That any wines, ginger cordial, or vermouth imported containing more than 24 per cent. of alcohol shall be forfeited to the United States: *And provided further*, That there shall be no constructive or other allowance for breakage, leakage, or damage on wines, liquors, cordials, or distilled spirits. Wines, cordials, brandy, and other spirituous liquors imported in bottles or jugs shall be packed in packages containing not less than one dozen bottles or jugs in each package; and all such bottles or jugs shall pay an additional duty of 3 cents for each bottle or jug, unless specially provided for in this act."

"337. Ale, porter, and beer, in bottles or jugs, 40 cents per gallon, but no separate or additional duty shall be assessed on the bottles or jugs; otherwise than in bottles or jugs, 20 cents per gallon."

"338. Malt extract, fluid, in casks, 20 cents per gallon; in bottles or jugs, 40 cents per gallon; solid or condensed, 40 per cent. ad valorem."

"339. Cherry juice and prune juice, or prune wine, and other fruit juice, not specially provided for in this act, containing not more than 18 per cent. of alcohol, 60 cents per gallon; if containing more than 18 per cent. of alcohol, \$2.50 per proof gallon."

"340. Ginger-ale, ginger-beer, lemonade, soda-water, and other similar waters in plain green or colored molded or pressed glass bottles, containing each not more than three-fourths of a pint, 13 cents per dozen; containing more than

three-fourths of a pint each and not more than 1½ pints, 25 cents per dozen; but no separate or additional duty shall be assessed on the bottles: if imported otherwise than in plain green or colored molded or pressed glass bottles, or in such bottles containing more than 1½ pints each, 50 cents per gallon and in addition thereto duty shall be collected on the bottles, or other coverings, at the rates which would be chargeable thereon if imported empty."

"341. All mineral waters, and all imitations of natural mineral waters, and all artificial mineral waters not specially provided for in this act, in plain green or colored glass bottles, containing not more than 1 pint, 16 cents per dozen bottles. If containing more than 1 pint and not more than 1 quart, 25 cents per dozen bottles. But no separate duty shall be assessed upon the bottles. If imported otherwise than in plain green or colored glass bottles or if imported in such bottles containing more than 1 quart, 20 cents per gallon, and in addition thereto duty shall be collected upon the bottles or other covering at the same rates that would be charged if imported empty or separately."

And the Senate agree to the same.

Amendment numbered 230: That the House recede from its disagreement to the amendment of the Senate numbered 230, and agree to the same with an amendment as follows: Striking out the paragraph and inserting in lieu thereof the following:

"*Provided*, That all such clothing ready made and articles of wearing apparel having India rubber as a component material (not including gloves or elastic articles that are specially provided for in this act) shall be subject to a duty of 50 cents per pound, and in addition thereto 50 per cent. ad valorem."

And the Senate agree to the same.

Amendments numbered 231 and 232: That the House recede from its disagreement to the amendments of the Senate numbered 231 and 232, and agree to the same with amendments as follows: Striking out the paragraph and inserting in lieu thereof the following:

"350. Plushes, velvets, velvetens, corduroys, and all pile fabrics composed of cotton or other vegetable fiber, not bleached, dyed, colored, stained, painted, or printed, 10 cents per square yard and 20 per cent. ad valorem; on all such goods if bleached, 12 cents per square yard and 20 per cent. ad valorem; if dyed, colored, stained, painted, or printed, 14 cents per square yard and 20 per cent. ad valorem; but none of the foregoing articles in this paragraph shall pay a less rate of duty than 40 per cent. ad valorem."

"351. Chenille curtains, table covers, and all goods manufactured of cotton chenille, or of which cotton chenille forms the component material of chief value, 60 per cent. ad valorem."

And the Senate agree to the same.

Amendment numbered 233: That the House recede from its disagreement to the amendment of the Senate numbered 233, and agree to the same with an amendment as follows: Striking out the paragraph and inserting in lieu thereof the following:

"353. Stockings, hose, and half-hose, selvaged, fashioned, narrowed, or shaped wholly or in part by knitting-machines or frames, or knit by hand, including such as are commercially known as seamless stockings, hose or half-hose, all of the above, composed of cotton or other vegetable fiber, finished or unfinished, valued at not more than 60 cents per dozen pairs, 20 cents per dozen pairs, and in addition thereto 20 per cent. ad valorem; valued at more than 60 cents per dozen pairs and not more than \$2 per dozen pairs, 50 cents per dozen pairs, and in addition thereto 30 per cent. ad valorem; valued at more than \$2 per dozen pairs, and not more than \$4 per dozen pairs, 75 cents per dozen pairs, and in addition thereto 40 per cent. ad valorem; valued at more than \$4 per dozen pairs, \$1 per dozen pairs, and in addition thereto 40 per cent. ad valorem; and all shirts and drawers composed of cotton or other vegetable fiber, valued at more than \$1.50 per dozen and not more than \$3 per dozen, \$1 per dozen, and in addition thereto, 35 per cent. ad valorem; valued at more than \$3 per dozen and not more than \$5 per dozen, \$1.25 per dozen, and in addition thereto, 40 per cent. ad valorem; valued at more than \$5 per dozen and not more than \$7 per dozen, \$1.50 per dozen, and in addition thereto, 40 per cent. ad valorem; valued at more than \$7 per dozen, \$2 per dozen, and in addition thereto, 40 per cent. ad valorem."

And the Senate agree to the same.

Amendments numbered 235, 236, and 237: That the House recede from its disagreement to the amendments of the Senate numbered 235, 236, and 237, and agree to the same with amendments as follows: Striking out the paragraphs and inserting in lieu thereof the following:

"357. Flax, not hackled or dressed, 1 cent per pound."

"358. Flax, hackled, known as "dressed line," 3 cents per pound."

And the Senate agree to the same.

Amendments numbered 241 and 242: That the House recede from its disagreement to the amendments of the Senate numbered 241 and 242, and agree to the same with amendments as follows: Striking out the paragraph and inserting in lieu thereof the following:

"362. Cables, cordage, and twine (except binding-twine composed wholly of manila or sisal-grass), 14 cents per pound; all binding-twine manufactured in whole or in part fromistle or Tampico fiber, manila, sisal-grass, or sunn, seven-tenths of 1 cent per pound; cables and cordage made of hemp, 2½ cents per pound; tarred cables and cordage, 3 cents per pound."

And the Senate agree to the same.

Amendments numbered 249 and 250: That the House recede from its disagreement to the amendments of the Senate numbered 249 and 250, and agree to the same with an amendment as follows: Striking out the paragraph and inserting in lieu thereof the following:

"367. Flax gill-netting, nets, webs, and seines, when the thread or twine of which they are composed is made of yarn of a number not higher than 20, 15 cents per pound and 35 per cent. ad valorem; when made of threads or twines the yarn of which is finer than number 20, 20 cents per pound, and in addition thereto 45 per cent. ad valorem."

And the Senate agree to the same.

Amendments numbered 252 and 253: That the House recede from its disagreement to the amendments of the Senate numbered 252 and 253, and agree to the same with amendments as follows: Striking out the paragraphs and inserting in lieu thereof the following:

"370. Yarns or threads composed of flax or hemp, or of a mixture of either of these substances, valued at 13 cents or less per pound, 6 cents per pound; valued at more than 13 cents per pound, 45 per cent. ad valorem."

"371. All manufactures of flax or hemp, or of which these substances, or either of them, is the component material of chief value, not specially provided for in this act, 50 per cent. ad valorem: *Provided*, That until January 1, 1894, such manufactures of flax containing more than 100 threads to the square inch, counting both warp and filling, shall be subject to a duty of 35 per cent. ad valorem in lieu of the duty herein provided."

And the Senate agree to the same.

Amendment numbered 255: That the House recede from its disagreement to the amendment of the Senate numbered 255, and agree to the same with an amendment as follows: Striking out the amendment and inserting in lieu thereof the following: "Shirts, and all articles of wearing apparel of every description, not specially provided for in this act, composed wholly or in part of linen, 55 per cent. ad valorem;" and the Senate agree to the same.

Amendments numbered 256, 257, 258, and 259: That the House recede from its disagreement to the amendments of the Senate numbered 256, 257, 258, and

229, and agree to the same with amendments as follows: Striking out the paragraphs and inserting in lieu thereof the following:

"373. Laces, edgings, embroideries, insertings, neck ruffings, ruchings, trimmings, tuckings, lace window-curtains, and other similar tumbled articles, and articles embroidered by hand or machinery, embroidered and hem-stitched handkerchiefs, and articles made wholly or in part of lace, ruffings, tuckings, or ruchings, all of the above-named articles, composed of flax, jute, cotton, or other vegetable fiber, or of which these substances or either of them, or a mixture of any of them, is the component material of chief value, not specially provided for in this act, 60 per cent. ad valorem: *Provided*, That articles of wearing apparel, and textile fabrics, when embroidered by hand or machinery, and whether specially or otherwise provided for in this act, shall not pay a less rate of duty than that fixed by the respective paragraphs and schedules of this act upon embroideries of the materials of which they are respectively composed."

And the Senate agree to the same.

Amendment numbered 260: That the House recede from its disagreement to the amendment of the Senate numbered 260, and agree to the same with an amendment as follows: Striking out the paragraph and inserting in lieu thereof the following:

"374. All manufactures of jute, or other vegetable fiber, except flax, hemp, or cotton, or of which jute, or other vegetable fiber, except flax, hemp, or cotton, is the component material of chief value, not specially provided for in this act, valued at 5 cents per pound or less, 2 cents per pound; valued above 5 cents per pound, 40 per cent. ad valorem."

And the Senate agree to the same.

Amendment numbered 269: That the House recede from its disagreement to the amendment of the Senate numbered 269, and agree to the same with an amendment as follows: Striking out the paragraph and inserting in lieu thereof the following:

"396. On clothing, ready made, and articles of wearing apparel of every description, made up or manufactured wholly or in part not specially provided for in this act, felt, not woven, and not specially provided for in this act, and plushes and other pile fabrics, all the foregoing, composed wholly or in part of wool, worsted, the hair of the camel, goat, alpaca, or other animals, the duty per pound shall be four and one-half times the duty imposed by this act on a pound of unwashed wool of the first class, and in addition thereto 60 per cent. ad valorem."

And the Senate agree to the same.

Amendments numbered 271, 272, and 273: That the House recede from its disagreement to the amendments of the Senate numbered 271, 272, and 273, and agree to the same with an amendment as follows: Striking out the paragraph and inserting in lieu thereof the following:

"407. Carpets and carpeting of wool, flax, or cotton, or composed in part of either, not specially provided for in this act, 50 per cent. ad valorem."

And the Senate agree to the same.

Amendment numbered 279: That the House recede from its disagreement to the amendment of the Senate numbered 279, and agree to the same with an amendment as follows: Striking out the paragraph and inserting in lieu thereof the following:

"411. Velvets, plushes, or other pile fabrics containing, exclusive of selvages, less than 75 per cent. in weight of silk, \$1.50 per pound and 15 per cent. ad valorem; containing, exclusive of selvages, 75 per cent. or more in weight of silk, \$3.50 per pound and 15 per cent. ad valorem; but in no case shall any of the foregoing articles pay a less rate of duty than 50 per cent. ad valorem."

And the Senate agree to the same.

Amendment numbered 281: That the House recede from its disagreement to the amendment of the Senate numbered 281, and agree to the same with an amendment as follows: Striking out the proviso and inserting in lieu thereof the following:

"*Provided*, That all such clothing ready made and articles of wearing apparel when composed in part of India rubber (not including gloves or elastic articles that are specially provided for in this act) shall be subject to a duty of 8 cents per ounce, and in addition thereto 60 per cent. ad valorem."

And the Senate agree to the same.

Amendment numbered 290: That the House recede from its disagreement to the amendment of the Senate numbered 290, and agree to the same with an amendment as follows: Striking out the paragraph and inserting in lieu thereof the following:

"419. Papers known commercially as copying-paper, filtering-paper, silver-paper, and all tissue-paper, white or colored, made up in copying-books, reams, or in any other form, 8 cents per pound, and in addition thereto 15 per cent. ad valorem; albumenized or sensitized paper, 35 per cent. ad valorem."

And the Senate agree to the same.

Amendment numbered 292: That the House recede from its disagreement to the amendment of the Senate numbered 292, and agree to the same with an amendment as follows: Striking out the paragraph and inserting in lieu thereof the following:

"422. Paper hangings and paper for screens or fire-boards, writing-paper, drawing-paper, and all other paper not specially provided for in this act, 25 per cent. ad valorem."

And the Senate agree to the same.

Amendments numbered 297 and 298: That the House recede from its disagreement to the amendments of the Senate numbered 297 and 298, and agree to the same with amendments as follows: Striking out the paragraphs and inserting in lieu thereof the following:

"429. Buttons commercially known as agate buttons, 25 per cent. ad valorem; pearl and shell buttons, 24 cents per line button measure of one-fortieth of 1 inch per gross, and in addition thereto 25 per cent. ad valorem."

And the Senate agree to the same.

Amendments numbered 302 and 303: That the House recede from its disagreement to the amendments of the Senate numbered 302 and 303, and agree to the same with amendments as follows: Striking out the paragraph and inserting in lieu thereof the following:

"443. Feathers and downs of all kinds, crude or not dressed, colored, or manufactured, not specially provided for in this act, 10 per cent. ad valorem; when dressed, colored, or manufactured, including quilts of down and other manufactures of down, and also including dressed and finished birds suitable for millinery ornaments, and artificial and ornamental feathers and flowers, or parts thereof, of whatever material composed, not specially provided for in this act, 50 per cent. ad valorem."

And the Senate agree to the same.

Amendments numbered 308 and 309: That the House recede from its disagreement to the amendments of the Senate numbered 308 and 309, and agree to the same with an amendment as follows: Striking out the paragraph and inserting in lieu thereof the following:

"456. Calf-skins, tanned, or tanned and dressed, dressed upper leather, including patent, enameled, and japanned leather, dressed or undressed, and finished; chamois or other skins not specially enumerated or provided for in this act, 20 per cent. ad valorem; book-binders' calf-skins, kangaroo, sheep and goat skins, including lamb and kid skins, dressed and finished, 20 per cent. ad valorem; skins for morocco, tanned but unfinished, 10 per cent. ad valorem; piano-forte leather and piano-forte action leather, 25 per cent. ad valorem; japanned calf-

skins, 30 per cent. ad valorem; boots and shoes, made of leather, 25 per cent. ad valorem."

And the Senate agree to the same.

Amendments numbered 311, 312, 313, 314, and 315: That the House recede from its disagreement to the amendments of the Senate numbered 311, 312, 313, 314, and 315, and agree to the same with an amendment as follows: Striking out the paragraph and inserting in lieu thereof the following:

"459. Manufactures of alabaster, amber, asbestos, bladders, coral, catgut, or whip-gut, or worm-gut, jet, paste, spar, wax, or of which these substances or either of them is the component material of chief value, not specially provided for in this act, 25 per cent. ad valorem; osier or willow, prepared for basket-makers' use, 30 per cent. ad valorem; manufactures of osier or willow, 40 per cent. ad valorem."

And the Senate agree to the same.

Amendments numbered 317 and 318: That the House recede from its disagreement to the amendments of the Senate numbered 317 and 318, and agree to the same with an amendment as follows: Striking out the paragraph and inserting in lieu thereof the following:

"461. Manufactures of leather, fur, gutta-percha, vulcanized India rubber known as hard rubber, human hair, papier-maché, indurated fiber wares and other manufactures composed of wood or other pulp, or of which these substances or either of them is the component material of chief value, all of the above not specially provided for in this act, 35 per cent. ad valorem."

And the Senate agree to the same.

Amendment numbered 320: That the House recede from its disagreement to the amendment of the Senate numbered 320, and agree to the same with an amendment as follows:

"463. Masks, composed of paper or pulp, 35 per cent. ad valorem."

And the Senate agree to the same.

Amendment numbered 325: That the House recede from its disagreement to the amendment of the Senate numbered 325, and agree to the same with an amendment as follows: Striking out the paragraph and inserting in lieu thereof the following:

"465. Paintings, in oil or water colors, and statuary, not otherwise provided for in this act, 15 per cent. ad valorem; but the term 'statuary' as herein used shall be understood to include only such statuary as is cut, carved, or otherwise wrought by hand from a solid block or mass of marble, stone, or alabaster, or from metal, and as is the professional production of a statuary or sculptor only."

And the Senate agree to the same.

Amendment numbered 327: That the House recede from its disagreement to the amendment of the Senate numbered 327, and agree to the same with an amendment as follows:

"466. Slate pencils, 4 cents per gross."

And the Senate agree to the same.

Amendment numbered 329: That the House recede from its disagreement to the amendment of the Senate numbered 329, and agree to the same with an amendment as follows: Striking out the paragraph and inserting in lieu thereof the following:

"493. Pipes, pipe-bowls, of all materials, and all smokers' articles whatsoever, not specially provided for in this act, including cigarette-books, cigarette-book covers, pouches for smoking or chewing tobacco, and cigarette-paper in all forms, 70 per cent. ad valorem; all common tobacco pipes of clay, 15 cents per gross."

And the Senate agree to the same.

Amendments numbered 330 and 331: That the House recede from its disagreement to the amendments of the Senate numbered 330 and 331, and agree to the same with an amendment as follows: Striking out the paragraph and inserting in lieu thereof the following:

"470. Umbrellas, parasols, and sun-shades, covered with silk or alpaca, 55 per cent. ad valorem; if covered with other material, 45 per cent. ad valorem."

And the Senate agree to the same.

Amendment numbered 333: That the House recede from its disagreement to the amendment of the Senate numbered 333, and agree to the same with an amendment as follows: Striking out the paragraph and inserting in lieu thereof the following:

"SEC. 2. On and after the 6th day of October, 1890, unless otherwise specially provided for in this act, the following articles when imported shall be exempt from duty."

And the Senate agree to the same.

Amendment numbered 341: That the House recede from its disagreement to the amendment of the Senate numbered 341, and agree to the same with an amendment as follows: Striking out the paragraph and inserting in lieu thereof the following:

"491. Art educational stops, composed of glass and metal and valued at not more than 6 cents per gross."

And the Senate agree to the same.

Amendments numbered 344, 345, and 346: That the House recede from its disagreement to the amendments of the Senate numbered 344, 345, and 346, and agree to the same with an amendment as follows: Striking out the paragraph and inserting in lieu thereof the following:

"515. Books, maps, lithographic prints, and charts, specially imported, not more than two copies in any one invoice, in good faith, for the use of any society incorporated or established for educational, philosophical, literary, or religious purposes, or for the encouragement of the fine arts, or for the use or by order of any college, academy, school, or seminary of learning in the United States, subject to such regulations as the Secretary of the Treasury shall prescribe."

And the Senate agree to the same.

Amendment numbered 352: That the House recede from its disagreement to the amendment of the Senate numbered 352, and agree to the same with an amendment as follows: Striking out the paragraph and inserting in lieu thereof the following:

"535. Clay: Common blue clay in casks suitable for the manufacture of crucibles."

And the Senate agree to the same.

Amendment numbered 356: That the House recede from its disagreement to the amendment of the Senate numbered 356, and agree to the same with an amendment, as follows: Striking out the paragraph and inserting in lieu thereof the following:

"571. Fish, the product of American fisheries, and fresh or frozen fish (except salmon) caught in fresh waters by American vessels, or with nets or other devices owned by citizens of the United States."

And the Senate agree to the same.

Amendment numbered 372: That the House recede from its disagreement to the amendment of the Senate numbered 372, and agree to the same with an amendment as follows: Striking out the paragraph and inserting in lieu thereof the following:

"574. Peltries and other usual goods and effect of Indians passing or repassing the boundary line of the United States, under such regulations as the Secretary of the Treasury may prescribe: *Provided*, That this exemption shall not apply to goods in bales or other packages unusual among Indians."

And the Senate agree to the same.

Amendments numbered 379 and 380: That the House recede from its disa-

agreement to the amendments of the Senate numbered 376 and 380, and agree to the same with amendments as follows: Striking out the paragraph and inserting in lieu thereof the following:

"399. Seeds: Anise, canary, caraway, cardamom, coriander, cotton, cummin, fennel, fensgreek, hemp, hoarhound, mustard, rape, St. John's bread or bene, sugar-beet, mangel-wurzel, sorghum or sugar-cane for seed, and all flower and grass seeds; bulbs and bulbous roots, not edible; all the foregoing not specially provided for in this act."

And the Senate agree to the same.

Amendment numbered 388: That the House recede from its disagreement to the amendment of the Senate numbered 388, and agree to the same with an amendment as follows: Striking out the paragraph and inserting in lieu thereof the following:

"736. Tin ore, cassiterite or black oxide of tin, and tin in bars, blocks, pigs, or grain or granulated, until July 1, 1893, and thereafter as otherwise provided for in this act."

And the Senate agree to the same.

Amendments numbered 390 and 391: That the House recede from its disagreement to the amendments of the Senate numbered 390 and 391, and agree to the same with amendments as follows: Striking out the paragraph and inserting in lieu thereof the following:

"755. Fire-wood, handle-bolts, heading-bolts, stove-bolts, and shingle-bolts, hop-poles, fence-posts, railroad ties, ship-lumber, and ship-planking, not specially provided for in this act."

And the Senate agree to the same.

Amendment numbered 401: That the House recede from its disagreement to the amendment of the Senate numbered 401, and agree to the same with an amendment as follows: In line 3 of said amendment strike out the words "July, eighteen hundred and ninety-one," and insert in lieu thereof the words "January, eighteen hundred and ninety-two;" and the Senate agree to the same.

Amendment numbered 404: That the House recede from its disagreement to the amendment of the Senate numbered 404, and agree to the same with an amendment as follows: Striking out the section and inserting in lieu thereof the following:

"SEC. 6. That on and after the 1st day of March, 1891, all articles of foreign manufacture, such as are usually or ordinarily marked, stamped, branded, or labeled, and all packages containing such or other imported articles, shall, respectively, be plainly marked, stamped, branded, or labeled in legible English words, so as to indicate the country of their origin; and unless so marked, stamped, branded, or labeled they shall not be admitted to entry."

And the Senate agree to the same.

Amendments numbered 405, 406, and 407: That the House recede from its disagreement to the amendments of the Senate numbered 405, 406, and 407, and agree to the same with amendments as follows: Striking out the section and inserting in lieu thereof the following:

"SEC. 7. That on and after March 1, 1891, no article of imported merchandise which shall copy or simulate the name or trade-mark of any domestic manufacture or manufacturer shall be admitted to entry at any custom-house of the United States. And in order to aid the officers of the customs in enforcing this prohibition any domestic manufacturer who has adopted trade-marks may require his name and residence and a description of his trade-marks to be recorded in books which shall be kept for that purpose in the Department of the Treasury under such regulations as the Secretary of the Treasury shall prescribe, and may furnish to the Department fac-similes of such trade-marks; and thereupon the Secretary of the Treasury shall cause one or more copies of the same to be transmitted to each collector or other proper officer of the customs."

And the Senate agree to the same.

Amendment numbered 445: That the House recede from its disagreement to the amendment of the Senate numbered 445, and agree to the same with an amendment as follows: Striking out the section and inserting in lieu thereof the following:

"SEC. 27. That all provisions of the statutes imposing restrictions of any kind whatsoever upon farmers and growers of tobacco in regard to the sale of their leaf-tobacco, and the keeping of books, and the registration and report of their sales of leaf-tobacco, or imposing any tax on account of such sales, are hereby repealed; *Provided, however,* That it shall be the duty of every farmer or planter producing and selling leaf-tobacco, on demand of any internal-revenue officer, or other authorized agent of the Treasury Department, to furnish said officer or agent a true and complete statement, verified by oath, of all his sales of leaf-tobacco, the number of hogsheads, cases, or pounds, with the name and residence, in each instance, of the person to whom sold, and the place to which it is shipped. And every farmer or planter who willfully refuses to furnish such information, or who knowingly makes false statements as to any of the facts aforesaid, shall be guilty of a misdemeanor, and shall be liable to a penalty not exceeding \$500."

And the Senate agree to the same.

Amendment numbered 446: That the House recede from its disagreement to the amendment of the Senate numbered 446, and agree to the same with an amendment as follows: Striking out the section and inserting in lieu thereof the following:

"SEC. 28. That section 3381 of the Revised Statutes be, and the same is hereby, amended by striking out all after the said number and substituting therefor the following:

"Every peddler of tobacco, before commencing, or, if he has already commenced, before continuing to peddle tobacco, shall furnish to the collector of his district a statement accurately setting forth the place of his residence, and, if in a city, the street and number of the street where he resides, the State or States through which he proposes to travel; also whether he proposes to sell his own manufactures or the manufactures of others, and, if he sells for other parties, the person for whom he sells. He shall also give a bond in the sum of \$500, to be approved by the collector of the district, conditioned that he shall not engage in any attempt, by himself or by collusion with others, to defraud the Government of any tax on tobacco, snuff, or cigars; that he shall neither sell nor offer for sale any tobacco, snuff, or cigars, except in original and full packages, as the law requires the same to be put up and prepared by the manufacturer for sale, or for removal for sale or consumption, and except such packages of tobacco, snuff, and cigars as bear the manufacturer's label or caution notice, and his legal marks and brands, and genuine internal-revenue stamps which have never before been used."

And the Senate agree to the same.

Amendment numbered 447: That the House recede from its disagreement to the amendment of the Senate numbered 447, and agree to the same with an amendment as follows: Striking out the section and inserting in lieu thereof the following:

"SEC. 29. That section 3383, Revised Statutes, as amended by section 15 of the act of March 1, 1879, be, and the same is hereby, amended by striking out all of said section and by substituting in lieu thereof the following:

"Every peddler of tobacco shall obtain a certificate from the collector of his collection district, who is hereby authorized and directed to issue the same, giving the name of the peddler, his residence, and the fact of his having filed the required bond; and shall on demand of any officer of internal revenue produce and exhibit his certificate. And whenever any peddler refuses to exhibit his certificate, as aforesaid, on demand of any officer of internal revenue, said officer may seize the horse or mule, wagon and contents, or pack, bundle, or basket, of any person so refusing; and the collector of the district in which the

seizure occurs may, on ten days' notice, published in any newspaper in the district, or served personally on the peddler, or at his dwelling house, require such peddler to show cause, if any he has, why the horse or mules, wagons and contents, pack, bundle, or basket so seized shall not be forfeited. In case no sufficient cause is shown, proceedings for the forfeiture of the property seized shall be taken under the general provisions of the internal-revenue laws relating to forfeitures. Any internal-revenue agent may demand production of and inspect the collector's certificate for peddlers, and refusal or failure to produce the same, when so demanded, shall subject the party guilty thereof to a fine of not more than \$500 and to imprisonment for not more than twelve months."

And the Senate agree to the same.

Amendment numbered 448: That the House recede from its disagreement to the amendment of the Senate numbered 448, and agree to the same with an amendment as follows: Striking out the section and inserting in lieu thereof the following:

"SEC. 30. That on and after the 1st day of January, 1891, the internal taxes on smoking and manufactured tobacco shall be 6 cents per pound, and on snuff 6 cents per pound."

And the Senate agree to the same.

Amendment numbered 450: That the House recede from its disagreement to the amendment of the Senate numbered 450, and agree to the same with an amendment as follows: Striking out the section and inserting in lieu thereof the following:

"SEC. 31. That section 3363, Revised Statutes, be, and hereby is, amended by striking out all after said number and substituting the following:

"No manufactured tobacco shall be sold or offered for sale unless put up in packages and stamped as prescribed in this chapter, except at retail by retail dealers from packages authorized by section 3362 of the Revised Statutes; and every person who sells or offers for sale any snuff or any kind of manufactured tobacco not so put up in packages and stamped shall be fined not less than \$50 nor more than \$5,000, and imprisoned not less than six months nor more than two years."

And the Senate agree to the same.

Amendment numbered 451: That the House recede from its disagreement to the amendment of the Senate numbered 451, and agree to the same with an amendment as follows: Striking out the section and inserting in lieu thereof the following:

"SEC. 32. That section 3392 of the Revised Statutes, as amended by section 16 of the act of March 1, 1879, be, and the same hereby is, amended to read as follows:

"All cigars shall be packed in boxes not before used for that purpose, containing respectively 25, 50, 100, 200, 250, or 500 cigars each: *Provided, however,* That manufacturers of cigars shall be permitted to pack in boxes not before used for that purpose cigars not to exceed 13 nor less than 12 in number, to be used as sample boxes; and every person who sells, or offers for sale, or delivers, or offers to deliver, any cigars in any other form than in new boxes as above described, or who packs in any box any cigars in excess of or less than the number provided by law to be put in each box respectively, or who falsely brands any box, or affixes a stamp on any box denoting a less amount of tax than that required by law, shall be fined for each offense not more than \$1,000 and be imprisoned not more than two years: *Provided,* That nothing in this section shall be construed as preventing the sale of cigars at retail by retail dealers, who have paid the special tax as such, from boxes packed, stamped, and branded in the manner prescribed by law: *And provided further,* That every manufacturer of cigarettes shall put up all the cigarettes that he manufactures or has manufactured for him, and sells or removes for consumption or use, in packages or parcels containing 10, 20, 50, or 100 cigarettes each, and shall securely affix to each of said packages or parcels a suitable stamp denoting the tax thereon, and shall properly cancel the same prior to such sale or removal for consumption or use, under such regulations as the Commissioner of Internal Revenue shall prescribe; and all cigarettes imported from a foreign country shall be packed, stamped, and the stamps canceled in like manner, in addition to the import stamp indicating inspection of the custom-house before they are withdrawn therefrom."

And the Senate agree to the same.

Amendment numbered 452: That the House recede from its disagreement to the amendment of the Senate numbered 452, and agree to the same with an amendment as follows: Striking out the section and inserting in lieu thereof the following:

"SEC. 33. That section 3357 of the Revised Statutes, as amended by section 2 of the act of June 9, 1890, be, and the same is, amended by striking out all after the number and inserting in lieu thereof the following:

"Every collector shall keep a record, in a book or books provided for that purpose, to be open to the inspection of only the proper officers of internal revenue, including deputy collectors and internal-revenue agents, of the name and residence of every person engaged in the manufacture of tobacco or snuff in his district, the place where such manufacture is carried on, and the number of the manufactory; and he shall enter in said record, under the name of each manufacturer, a copy of every inventory required by law to be made by such manufacturer, and an abstract of his monthly returns; and he shall cause the several manufactories of tobacco or snuff in his district to be numbered consecutively, which numbers shall not be thereafter changed, except for reasons satisfactory to himself and approved by the Commissioner of Internal Revenue."

And the Senate agree to the same.

Amendment numbered 453: That the House recede from its disagreement to the amendment of the Senate numbered 453, and agree to the same with an amendment as follows: Striking out the section and inserting in lieu thereof the following:

"SEC. 34. That section 3399 of the Revised Statutes, as amended by section 16 of the act of March 1, 1879, be, and the same is hereby, amended so as to read as follows:

"Every collector shall keep a record, in a book provided for that purpose, to be open to the inspection of only the proper officers of internal revenue, including deputy collectors and internal-revenue agents, of the name and residence of every person engaged in the manufacture of cigars in his district, the place where such manufacture is carried on, and the number of the manufactory; and he shall enter in said record, under the name of each manufacturer, an abstract of his inventory and monthly returns; and he shall cause the several manufactories of cigars in the district to be numbered consecutively, which number shall not thereafter be changed."

And the Senate agree to the same.

Amendment numbered 455: That the House recede from its disagreement to the amendment of the Senate numbered 455, and agree to the same with an amendment as follows: Striking out the section and inserting in lieu thereof the following:

"SEC. 35. That section 3387 of the Revised Statutes, as amended by section 16 of the act of March 1, 1879, be, and the same is hereby, amended by striking from the said section the following words, namely, '\$500, with an additional \$100 for each person proposed to be employed by him in making cigars,' and inserting in lieu of the words so stricken out the words 'one hundred dollars.'"

And the Senate agree to the same.

Amendment numbered 480: That the House recede from its disagreement to the amendment of the Senate numbered 480, and agree to the same with an

amendment as follows: Striking out the section and inserting in lieu thereof the following:

"Sec. 42. That any producer of pure sweet wines, who is also a distiller, authorized to separate from fermented grape-juice, under internal-revenue laws, wine spirits, may use, free of tax, in the preparation of such sweet wines, under such regulations and after the filing of such notices and bonds, together with the keeping of such records and the rendition of such reports as to materials and products, as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe, so much of such wine spirits so separated by him as may be necessary to fortify the wine for the preservation of the saccharine matter contained therein: *Provided*, That the wine spirits so used free of tax shall not be in excess of the amount required to introduce into such sweet wines an alcoholic strength equal to 14 per cent. of the volume of such wines after such use: *Provided further*, That such wine containing, after such fortification, more than 24 per cent. of alcohol, as defined by section 3249 of the Revised Statutes, shall be forfeited to the United States: *Provided further*, That such use of wine spirits free from tax shall be confined to the months of August, September, October, November, December, January, February, March, and April of each year. The Commissioner of Internal Revenue, in determining the liability of any distiller of fermented grape-juice to assessment under section 3309 of the Revised Statutes, is authorized to allow such distiller credit in his computation for the wine spirits used by him in preparing sweet wine under the provisions of this section."

And the Senate agree to the same.
Amendment numbered 435: That the House recede from its disagreement to the amendment of the Senate numbered 483, and agree to the same with an amendment striking out the section and inserting in lieu thereof as follows:

"Sec. 47. That all provisions of law relating to the reimportation of any goods of domestic growth or manufacture which were originally liable to an internal-revenue tax shall be, as far as applicable, enforced against any domestic wines sought to be reimported; and duty shall be levied and collected upon the same when reimported as an original importation."

And the Senate agree to the same.

Amendment numbered 436: That the House recede from its disagreement to the amendment of the Senate numbered 486, and agree to the same with an amendment striking out the section and inserting in lieu thereof as follows:

"Sec. 48. That any person using wine spirits or other spirits which have not been tax-paid in fortifying wine, otherwise than as provided for in this act, shall be guilty of a misdemeanor, and shall, on conviction thereof, be punished for each offense by a fine of not more than \$2,000, and for every offense other than the first also by imprisonment for not more than one year."

And the Senate agree to the same.

Amendment numbered 491: That the House recede from its disagreement to the amendment of the Senate numbered 491, and agree to the same with an amendment striking out the section and inserting in lieu thereof as follows:

"*Provided*, That any imported merchandise deposited in bond in any public or private bonded warehouse, having been so deposited prior to the 1st day of October, 1890, may be withdrawn for consumption at any time prior to February 1, 1891, upon the payment of duties at the rates in force prior to the passage of this act: *Provided further*, That when duties are based upon the weight of merchandise deposited in any public or private bonded warehouse said duties shall be levied and collected upon the weight of such merchandise at the time of its withdrawal."

And the Senate agree to the same.

Amendment numbered 494: That the House recede from its disagreement to the amendment of the Senate numbered 494, and agree to the same with an amendment striking out the section and inserting in lieu thereof as follows:

"Sec. 52. That the value of foreign coin as expressed in the money of account of the United States shall be that of the pure metal of such coin of standard value; and the values of the standard coins in circulation of the various nations of the world shall be estimated quarterly by the Director of the Mint, and be proclaimed by the Secretary of the Treasury immediately after the passage of this act, and thereafter quarterly on the 1st day of January, April, July, and October in each year."

And the Senate agree to the same.

Amendment numbered 495: That the House recede from its disagreement to the amendment of the Senate numbered 495, and agree to the same with an amendment as follows: Add to section 33, at the end, the following:

"And it shall be the duty of special-tax payers to render their returns to the deputy collector at such times within the calendar month in which the special-tax liability commenced as shall enable him to receive such returns, duly signed and verified, not later than the last day of the month, except in cases of sickness or absence, as provided for in section 3176 of the Revised Statutes."

And the Senate agree to the same.

WM. MCKINLEY, JR.,
J. C. BURROWS,
THOS. M. BAYNE,
N. DINGLEY, JR.,
Managers on the part of the House of Representatives.

NELSON W. ALDRICH,
JOHN SHEEMAN,
W. B. ALLISON,
FRANK HISCOCK,
Managers on the part of the Senate.

The statement of the conferees is as follows:

In presenting their report on House bill 9416, the conferees on the part of the House submit the following statement intended to explain their action in the conference committee:

When passed by the House the bill provided for an estimated reduction of \$71,000,000 in round numbers, of which about \$10,500,000 was from internal-revenue taxes. As passed by the Senate the estimated reduction was \$60,000,000 exclusive of the internal-revenue provisions of the House bill. There was no material difference in the estimated reduction between the House and Senate when the bill was referred to the conference committee so far as the tariff schedules are concerned, and your committee believe that this difference has not been materially affected by the action of the conferees.

In the chemical schedules the differences were numerous, most of them, however, being verbal, and where substantial were not important.

In the earthenware schedule the House rates on china and earthen ware were retained. In the glassware paragraphs the House classifications have been retained in the main. A few changes were made by the conference in the paragraphs on bottles, intended to give greater clearness to the phraseology and to guard the interests of the Government. On window-glass the Senate reduced the House rates, and a compromise was effected by adjusting rates between those of the two Houses, which are an advance on those of the Senate and a slight deduction on those of the House. In the higher grades of glassware the rates of the House were compound. These were changed by the conference and ad valorem rates substituted, and a uniform rate of 60 per cent. adopted.

In the metal schedule a number of changes were made by the Senate, some of which were believed to be too low to afford proper protection to the great industries to be affected. The amendments made by the Senate and the adjustment by the conference committee are fully set forth in the print of the bill

which accompanies the conference report, and which shows the action of the two Houses and the action of the conferees, respectively. Several additional classifications have been made in the paragraphs relating to steel plates, sheets, and billets, these changes being confined to the lowest grades of steel, the rates of the House on the higher grades being retained. The House rate on railway bars of six-tenths of 1 cent per pound, or \$13.44 per ton, has been retained. The Senate rate of one-half of 1 cent per pound on copper has been accepted by the conferees.

The changes in the wood schedule are not material.

In the agricultural schedule the House rates are mainly retained. Garden seeds have been reduced from 40 per cent., as proposed by the House, to 20 per cent., the rate substituted by the Senate, and turnip seed, which the Senate placed on the free-list, transferred to the dutiable-list. The paragraph on fish was reconstructed and the rate reduced from 1 cent per pound, as fixed by the House, to three-fourths of 1 cent per pound. Oranges, lemons, and limes, which the House made dutiable at double the present rates in order to afford protection and encouragement to the planters of California and Florida, the Senate reduced to rates somewhat above the present law. The House conferees yielded reluctantly to this reduction. An amendment was added to that of the Senate imposing an additional duty of 30 per cent. on the packages in which oranges, lemons, and limes are imported. The paragraphs inserted by the Senate imposing a discriminating duty of 10 per cent. on tea, the produce of countries east of the Cape of Good Hope, when imported from countries east of the Cape of Good Hope, were struck out.

In the liquor schedule the Senate made increases on the various forms of wines and liquors. The House rates were restored except on champagne and spirits, leaving still-wines and malt liquors at the existing rates of duty. A few verbal changes were made in this schedule for the purpose of insuring additional security to the revenue.

In the cotton schedule but few changes were made in the amendments of the Senate, all of which will appear in the bill herewith presented.

The Senate made several reductions in the flax schedule which the House conferees believed to be dangerous to the success of that industry. The House conferees were not able to maintain the House rates in all cases, but those agreed to are increases on those of the Senate. The Senate placed binding-twine on the free-list. After a long conference the rates agreed to were seven-tenths of 1 cent per pound.

The wool schedule was not materially amended by the Senate. Two of the three substantial amendments related to worsted yarns and cloths and were more in the nature of corrections of errors than a change in rates.

The Senate struck out the bounty provisions proposed in the silk schedule of the bill as passed by the House. Other amendments which restore the language and rates of the present law were made. In these your committee concurred.

In the paper schedule the changes made are not material, and relate to classification rather than to rates.

A number of changes have been made in the sundries schedule, but with one exception these are of such character as not to require special mention. The one exception is that relating to paintings and statuary, which the House placed on the free-list and which the Senate restored to the dutiable-list at 30 per cent. ad valorem. The conferees, after an earnest contention, decided to retain paintings and statuary on the dutiable-list at 15 per cent. ad valorem, which is one-half the present duty.

In the sugar schedule the Senate struck out the House provision making sugar up to and including No. 16 Dutch standard free of duty, and substituted No. 13 as the line of free sugar. The Senate made sugar above 13 to 16 dutiable at three-tenths of a cent a pound, and above 16 Dutch standard dutiable at six-tenths of a cent a pound. The House bill made sugar dutiable at four-tenths of a cent a pound. The House conferees maintained No. 16 as the line for free sugar above No. 16, and the Senate conferees receded.

The conferees agreed and recommend to their respective Houses that sugar above No. 16 Dutch standard shall be dutiable at five-tenths of a cent a pound, and an additional one-tenth of a cent a pound upon all sugars imported from countries which pay an export bounty on sugar above No. 16 Dutch standard.

The House conferees agreed to the following amendment of the Senate:

"(401) Sec. 3. That with a view to secure reciprocal trade with countries producing the following articles, and for this purpose, on and after the 1st day of July, 1891, whenever and so often as the President shall be satisfied that the Government of any country producing and exporting sugars, molasses, coffee, tea, and hides, raw and unrefined, or any of such articles, imposes duties or other exactions upon the agricultural or other products of the United States, which, in view of the free introduction of such sugar, he may deem to be reciprocally unequal and unreasonable, he shall have the power and it shall be his duty to suspend, by proclamation to that effect, the provisions of this act relating to the free introduction of such sugar, molasses, coffee, tea, and hides, the production of such country, for such time as he shall deem just, and in such case and during such suspension duties shall be levied, collected, and paid upon sugar, molasses, coffee, tea, and hides, the product of or exported from such designated country, as follows, namely:

"All sugars not above No. 13 Dutch standard in color shall pay duty on their polariscopic tests as follows, namely:

"All sugars not above No. 13 Dutch standard in color, all tank bottoms, sirups of cane juice or of beet juice, melada, concentrated melada, concrete and concentrated molasses, testing by the polariscopic not above 75 degrees, seven-tenths of 1 cent per pound; and for every additional degree or fraction of a degree shown by the polariscopic test, two-hundredths of 1 cent per pound additional.

"All sugars above No. 13 Dutch standard in color shall be classified by the Dutch standard of color, and pay duty as follows, namely: All sugar above No. 13 and not above No. 16 Dutch standard of color, 1 cent per pound.

"All sugar above No. 16 and not above No. 20 Dutch standard of color, 1 cent per pound.

"All sugars above No. 20 Dutch standard of color, 2 cents per pound.

"Molasses testing above 56 degrees, 4 cents per gallon.

"Sugar drainings and sugar sweepings shall be subject to duty either as molasses or sugar, as the case may be, according to polariscopic test.

"On coffee, 3 cents per pound.

"On tea, 10 cents per pound.

"Hides, raw or unrefined, whether dry, salted, or pickled, Angora-goat skins, raw, without the wool, unmanufactured, asses' skins, raw or unmanufactured, and skins, except sheep-skins with the wool on, 1 cent per pound."

The Senate struck out all the provisions of the bill as passed by the House providing for the reduction of internal-revenue taxes and the abolition of the special taxes or annual license on dealers in tobacco, cigars, and peddlers of tobacco and cigars. The conference committee restored these provisions, and those reducing the tax on manufactured tobacco and snuff to 6 cents per pound instead of 4 cents as provided by the House bill. The paragraphs relating to the sale of tobacco grown by small farmers without being required to pay a special tax have been restored. By the restoration of these paragraphs nearly seven hundred thousand persons are relieved from the payment of the annoying special taxes which are now imposed by law. The reduction which will be made to the revenue by these changes in the internal-revenue laws will be over \$6,000,000 on the basis of the receipts for the fiscal year ending June 30, 1890, and nearly \$6,000,000 on the basis of the receipts for the preceding fiscal year.

For the year ending June 30, 1890, the receipts from special taxes on the class of persons to be relieved by the bill were \$1,515,481; from taxes on tobacco, \$15,325,482, and from snuff, \$757,731. By the passage of the bill the reduction in revenue from tobacco would be \$4,581,570, and from snuff \$184,453, making from these two sources an aggregate of \$4,766,023. Adding these figures to the reduction which would follow in the abolition of special taxes would make the total reduction in the internal-revenue receipts \$5,281,254. The reduction by the customs schedules will probably be about \$50,000,000, which would give an aggregate reduction by the bill of about \$55,000,000.

WM. MCKINLEY, Jr.
J. C. BURROWS.
THOS. M. BAYNE.
N. DINGLEY, Jr.

During the reading of the report of the committee of conference, Mr. HENDERSON, of Illinois, said: Mr. Speaker, I ask unanimous consent to suspend the further reading of this report until to-morrow, if I can be recognized for that purpose.

The SPEAKER. The gentleman from Illinois asks unanimous consent to dispense with the further reading until to-morrow. Is there objection? The Chair hears none.

Mr. BLOUNT. Mr. Speaker, if that is done I hope it will be agreeable to allow the report to be printed in the RECORD.

Mr. McMILLIN. That has already been ordered, and the statement with it. I believe that was the understanding, that the statement was also to be printed.

The SPEAKER. The reading is to be continued to-morrow morning.

Mr. McMILLIN. This does not interfere with the reading to-morrow. It is only the conference report, which has already been ordered to be printed.

Mr. BURROWS. Will not the gentleman from Tennessee let the statement be read, and waive the balance of the reading?

Mr. McMILLIN. I will see about waiving to-morrow.

CORRECTION OF RIVER AND HARBOR BILL.

Mr. HENDERSON, of Illinois. I desire, if I can get unanimous consent, to offer a joint resolution to correct an error in the river and harbor bill, and I ask to suspend the reading until it can be passed.

The SPEAKER. The Chair thinks five minutes more might be occupied in the reading, but without objection the resolution can be offered now, and then the reading can be resumed. The gentleman asks unanimous consent to suspend the reading long enough to enable him to present his resolution. Is there objection? The Chair hears none.

The Clerk read as follows:

A joint resolution (H. Res. 221) to correct an error in the act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved September 19, 1890.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved September 19, 1890, be, and the same is hereby, amended so that the clause making appropriation for the improvement of Illinois River, Illinois, shall read: "Improving Illinois River, Illinois: Continuing improvement, \$200,000."

The SPEAKER. Is there objection to the consideration of the resolution? [After a pause.] The Chair hears none.

The joint resolution was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THE TARIFF.

The reading of the conference report was resumed.

Mr. MCKINLEY (during the reading). I understand the completion of this reading will take about ten minutes. I ask unanimous consent that the session be continued ten minutes longer, to enable the Clerk to finish the reading.

The SPEAKER. The gentleman from Ohio asks unanimous consent that the session be extended until the reading of the report is concluded. Is there objection? The Chair hears none.

Mr. McMILLIN. I rose, Mr. Speaker, for the purpose of objecting, but as the Speaker has made the announcement I will not object.

The SPEAKER. If the gentleman desires to object the Chair will entertain his objection.

Mr. McMILLIN. I rose for the purpose of objecting; but I do not desire to seem to be in a race with the Speaker, though the Speaker did not use any unusual haste in making the announcement.

Mr. BRECKINRIDGE. I intended to object, and the reason I did not was because the gentleman from Tennessee rose to object, and as he is on the committee I did not object.

The SPEAKER. It has always been the custom of the House to take the statement of a member as to his purpose in rising. Objection is made.

Mr. BOUTELLE. I thought the gentleman from Tennessee wanted to hear the report read?

Mr. BRECKINRIDGE. I want to hear it read to-morrow.

Mr. BOUTELLE. Oh, you want to hear it to-morrow.

The SPEAKER. The hour of 4 o'clock having arrived, the House is declared in recess until 8 o'clock, when the gentleman from Kansas [Mr. PERKINS] will please preside as Speaker pro tempore.

EVENING SESSION.

The recess having expired, the House reassembled at 8 o'clock p. m., Mr. PERKINS in the chair as Speaker pro tempore.

CORRECTION.

Mr. MORRILL. Mr. Speaker, I notice that in connection with the consideration of a bill on last Friday evening granting a pension to a Mr. Haley, I am made to say in the RECORD that I was in command at the time he was wounded. What I did say was, that I was stationed with the command. I was a staff officer, and of course could not have been in command. I now yield the floor to the gentleman from Indiana [Mr. HOLMAN], who desires to call up a bill, and who is obliged to leave the House on account of illness in his family.

MRS. ANN CARR.

Mr. HOLMAN. Mr. Speaker, I appreciate the kindness of the House, and will occupy only a moment. The bill which I propose to call up has not been reported by the Committee on Invalid Pensions, but I can say to the House that I have the permission of the chairman, and also of such other members of the committee as I could reach, to make the motion which I now do make, that the Committee on Invalid Pensions be discharged from the further consideration of the bill (H. R. 8506) granting a pension to Ann Carr, and that the bill be put upon its passage.

This lady is old and blind, and is dependent on the charity of working people. Her husband was in the Army for four years. I do not claim that she is entitled to this pension because of her husband's disability, but, as I have said, he was in the service for four years, and she is now old and blind and dependent, and it seems to me that under such circumstances, she being entitled to a pension of \$8 per month under the law, it would be a generous and a proper act to allow her at least \$12. It has been done in other cases, and I ask that the bill be read with the amount fixed at \$12.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the general pension laws, the name of Ann Carr, of Vevay, Ind., widow of Patrick Carr, late a private in Company K, Second Regiment of Indiana Volunteer Cavalry, and late of Company C, Eighth Regiment of Indiana Volunteer Infantry, and grant her a pension of \$12 per month during her widowhood.

The SPEAKER pro tempore. The gentleman from Indiana [Mr. HOLMAN] asks unanimous consent that the Committee on Invalid Pensions be discharged from the further consideration of this bill, and that it be now considered in the House.

There was no objection.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HOLMAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. MORRILL. Mr. Speaker, I now ask unanimous consent that we take up Senate bills, those upon the Calendar and also any others that have been reported but are not yet on the Calendar.

There was no objection, and it was so ordered.

The SPEAKER pro tempore. The Chair desires to make a suggestion. It is quite probable that this is the last evening that we shall have for the consideration of business of this character during the present session, and while there are not many members yet in the Hall, the Chair has quite a large list, many gentlemen having spoken for recognition, so that they will probably be present during this evening session.

The Chair therefore suggests that the bills be read, and that the reports be printed in the RECORD without being read. In this way the time of the House will not be consumed in the reading of the reports. The Chair suggests that this arrangement be made with the understanding that any gentleman shall be at liberty in the morning to move for the reconsideration of the vote upon any particular bill if he shall feel called upon to do so.

Mr. KILGORE. I do not think that would be entirely satisfactory, Mr. Speaker. It is not a businesslike way of proceeding.

The SPEAKER pro tempore. The Chair is extremely anxious to give every gentleman present this evening recognition to call up a bill if it is possible to do so, this being probably the last pension evening that we shall have during this session of Congress.

Mr. KILGORE. Yes; I hope to get one of those recognitions myself [laughter], but still I think it is more important that we should proceed here in a businesslike manner than that any member or members should be recognized several times to call up bills. I am willing to give up the recognition that I am entitled to rather than have it go to the country that we are doing business in a way that we would not be willing to have known.

The RECORD shows the manner in which we transact this business and we would not like the country to know that it was done in that way, but it might leak out [laughter], and hence I think I must object to such an arrangement. Where a report is very long, however, I will not insist upon its being read, and I do not know that I care about having the reports on these Senate bills read.

The SPEAKER *pro tempore*. The Chair thinks that, while acting on the suggestion of the gentleman from Texas, every gentleman present can be accommodated this evening.

Mr. KILGORE. It is understood, however, that where reports are not read they shall be printed in the RECORD.

The SPEAKER *pro tempore*. Without objection, the reports on these Senate bills will be printed in the RECORD, but unless a special request is made they will not be read.

JOHN W. CABLE.

The first Senate bill was the bill (S. 3375) granting a pension to John W. Cable.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of John William Cable, of Lawrence County, South Dakota, who served in the Ordnance Department as a soldier of the United States Army during the Mexican war, and by reason of that service is totally and permanently disabled, and that he be granted a pension of \$24 per month instead of \$8 per month, his present rating.

The report (by Mr. SCULL) is as follows:

The Committee on Pensions, to whom was referred the bill (S. 3375) granting a pension to John William Cable, have considered the same and beg leave to submit the following report:

Said bill is accompanied by Senate Report No. 1360. Your committee adopt the same as their report and return the bill to the House with the recommendation that it do pass.

[Senate Report No. 1360, Fifty-first Congress, first session.]

The Committee on Pensions, to whom was referred Senate bill 3375, for the relief of John William Cable, have had the same under consideration and report as follows:

It appears from the evidence submitted to your committee that the pensioner, John W. Cable, entered the service of the United States on the 12th of May, 1846, having enlisted for five years; that he was an armorer and machinist by trade and was assigned to the Ordnance Department; that he was sent to the field with the Army in Mexico and there did gallant and effective service, at the battle of Monterrey and other battles, in charge of heavy mortars; that he served with General Taylor's command from the Rio Grande to Buena Vista; that, while he was so serving in the Army of the United States, in the month of April, 1847, at Black Fort, or Fort Confederation as it was afterwards called, while the pensioner was engaged in remounting some heavy cannon, he received an injury, to wit, a rupture, from the effects of which he has suffered more or less ever since; that on the 16th of May, 1847, he was honorably discharged from said service and received his certificate therefor, this discharge being the result of his own application; that afterwards he served the United States during the war of rebellion in his capacity as armorer, serving a part of the time in the State of Pennsylvania, and afterwards going to Fort Scott, Kansas. In this capacity he served for four years. He also had two sons who served in the Twelfth Kansas Volunteers.

The pensioner is now over seventy years of age; he is very poor and unable to perform any kind of labor; he has no income except the \$8 per month allowed him as a service pension under the law relating to pensioning survivors of the Mexican war; he is in feeble health, his injury has greatly increased, and has no one who is legally bound for his support.

Your committee, therefore, think this a meritorious case and that relief should be granted this soldier, and recommend the passage of the bill.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MICHAEL M'GARVEY.

The next Senate bill (on the Private Calendar) was the bill (S. 3196) granting a pension to Michael McGarvey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Michael McGarvey, late of Company K of the First Regiment Missouri Light Artillery, and now blind in both eyes, and pay him a pension at the same rate allowed for loss of both eyes, in lieu of the pension now allowed him under certificate numbered 195607.

The report (by Mr. MORRILL) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 3196) granting an increase of pension to Michael McGarvey, submit the following report:

The Senate report clearly sets forth the facts in this claim and is hereby adopted with the following amendment: Striking out in line 10 the words "the same rate allowed for the loss of both eyes" and inserting "forty dollars per month."

SENATE REPORT.

The Committee on Pensions, to whom was referred the bill (S. 3196) granting an increase of pension to Michael McGarvey, have examined the same, and report:

The claimant, Michael McGarvey, late of Company K, First Regiment Missouri Light Artillery, and now residing at Salem, Dent County, Missouri, is receiving a pension of \$14 per month, \$5 for gunshot wound and \$9 for loss of the sight of the right eye.

About three years since he lost, accidentally, the sight of his left eye, thus rendering him totally blind. This accident is described in the affidavit hereto appended.

"The affiant, T. J. Scott, says that he has known Michael McGarvey, of Salem, Dent County, Missouri, intimately for eighteen or nineteen years; that said McGarvey was in the employ of the Scotia Iron Company for ten years, and in the employ of the Nova Scotia Iron Company for four years; that said affiant was the superintendent of said two companies for and during said years; that said McGarvey had but one good eye; that he had lost his right eye, as affiant is informed and believes, during his (McGarvey's) service as artilleryman in the United States service during the war of the rebellion.

"Affiant says that during the fall of 1867 said McGarvey was employed by him for purposes of mining in Stoddard County, Missouri, at the town of Paxico; that on November 29 of said year said McGarvey lost his left eye by a premature explosion in an iron-ore mine in an unavoidable accident.

"Affiant says that he saw said McGarvey the day after the accident occurred; that he removed him to Cape Girardeau, Mo.; that he remained there in a hospital for a week or ten days under care of a physician, whose name he can not now recall; that he then had him removed to St. Louis and placed him in a hospital where he remained for some weeks under treatment of Dr. Green, known as the best oculist in St. Louis; that said treatment was continued for some weeks; that it was

impossible to restore his sight, and that he has been totally blind since the date of said accident.

"Affiant says that McGarvey is a most worthy man.

"T. J. SCOTT.

"Subscribed and sworn to before me, a notary public in and for McCracken County, Kentucky, by T. J. Scott, this 6th day of March, 1890.

[SEAL.]

"CLARENCE DALLAM,
"Notary Public."

The amendment recommended by the committee in the report was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

MARTHA J. DODGE.

The next Senate bill was the bill (S. 792) granting a pension to Martha J. Dodge.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Martha J. Dodge, an army nurse during the late war of the rebellion, and pay her a pension at the rate of \$12 per month.

The report (by Mr. MORRILL) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 792) granting a pension to Martha J. Dodge, submit the following report:

The Senate report sets forth the facts in this claim, and is adopted by your committee.

SENATE REPORT.

It appears that Miss Dodge was detailed by a commission signed by Mrs. D. P. Livermore, Mrs. A. L. Hoge, and Mrs. James E. Yeatman, of the Chicago Sanitary Commission, as an army nurse, and assigned to duty at Murfreesborough, Tenn., March 16, 1863, and served faithfully until the close of the war. She is now sixty-nine years old, and is supported by the Woman's Relief Corps, of St. Louis, Mo.

Your committee recommend the passage of the bill.

Her residence is 4830 North Broadway, St. Louis, Mo.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

KATHERINE W. HOWELL.

The next Senate bill was the bill (S. 3649) granting increase of pension to Katherine W. Howell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, at the rate of \$50 per month, in lieu of her present pension of \$30 per month, the name of Katherine W. Howell, widow of the late Brig. Gen. Joshua B. Howell, commander of the Third Division, Tenth Corps, United States Army.

Mr. KILGORE. I ask for the reading of the report in this case.

The report (by Mr. BELKNAP) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 3649) granting increase of pension to Katherine W. Howell, submit the following report:

Your committee recommend the adoption of the Senate report, which is as follows, and that the bill do pass:

"The Committee on Pensions, to whom was referred the bill (S. 3649) to increase the pension of Katherine W. Howell, have examined the same and submit the following report:

"Mrs. Katherine W. Howell is the widow of the late Brig. Gen. Joshua B. Howell, commander of the Third Division, Tenth Corps, United States Army. He was killed during the siege of Petersburg on the 15th of September, 1864, while in command of the Third Division, Tenth Corps.

"General Howell entered the service of his country in the earliest period of the war as colonel of the gallant and battle-tried Eighty-fifth Pennsylvania Volunteers. In almost every battle of the first campaign on the Peninsula, at Williamsburg, at Fair Oaks, protecting the retreat on Harrison's Landing, General Howell bore a prominent and often a distinguished part. He was the first to land his troops upon the island that gave the Union forces their firm foothold for the siege of Charleston; was commandant at Hilton Head, and served with honor in the Army of the James, and everywhere maintained a reputation high and growing for all the noble traits that are essential to the character of a gentleman and soldier.

"General Alfred H. Terry and General O. A. Gillmore have testified in personal letters to his exhaustless ability and great bravery, the former stating, 'General Howell as a soldier, an officer, and a patriot had few equals and no superior; he was a loss both to the Army and the country.'

"Mrs. Katherine W. Howell is now of advanced age and an invalid. In view of the distinguished services of her husband in the defense of his country and her indigence and dependence, and in order that she may pass the few remaining years of her life in comfort, Mrs. Howell is entitled to \$50 per month in lieu of her present pension of \$30 per month.

"The bill is reported favorably, with a recommendation that it do pass."

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

The SPEAKER *pro tempore*. The Chair will recognize now, if there be no objection, the gentleman from Georgia [Mr. TURNER], who desires to leave on account of an engagement with his committee this evening in connection with the tariff bill.

There was no objection.

DREWRY PORTER.

Mr. TURNER, of Georgia. I ask the present consideration of the bill (H. R. 11703) granting a pension to Drewry Porter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Drewry Porter, of Mitchell County, Georgia, late a private in Captain McCrary's Georgia Volunteers in the Indian war of 1836, at the rate of \$8 per month.

The report (by Mr. HENDERSON, of North Carolina) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 11798) granting a pension to Drewry Porter, have considered the same and report as follows:

The claimant is shown by the records of the Treasury Department to have served three months as a private in Capt. Isaac McCrary's company of Georgia Volunteers, Indian war of 1836.

In his petition for relief the claimant states that he participated in four battles during said war, and in one engagement received a slight wound of the left leg. He further states that he is now seventy-four years old, in failing health, and without any means of support aside from his daily labor.

W. N. Spence, of Mitchell County, Georgia, testifies that the claimant is a poor man, his only means of support being his manual labor. Mr. Spence further states that from his acquaintance with the claimant he believes the statements contained in his (the claimant's) petition for relief to be true.

In view of the claimant's service and his advanced age and necessitous condition, your committee believe that the relief prayed for should be granted. The passage of the bill is therefore recommended.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

MARY L. MILLER.

The next Senate bill was the bill (S. 987) granting a pension to Mary L. Miller.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary L. Miller, dependent mother of Warwick W. Miller, late of Company F, Second Regiment Wisconsin Volunteers, and pay her a pension at the rate of \$12 per month.

The report (by Mr. SAWYER) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 987) granting a pension to Mary L. Miller, submit the following report:

The beneficiary is the dependent mother of Warwick W. Miller, late private in Company F, Second Wisconsin Regiment. She is unable to secure a pension under the recent law for the reason that the soldier died from the result of his military service, leaving a widow. It appears that no one is now drawing a pension on account of the deceased soldier. The Senate report is hereto attached and is made a part hereof.

Your committee believe this to be a just case, and therefore recommend that the bill do pass.

SENATE REPORT.

The Committee on Pensions, to whom was referred the bill (S. 987) granting a pension to Mary L. Miller, have examined the same and report:

This is a bill to pension Mary L. Miller, mother of Warwick W. Miller, who was a private in Company F, Second Wisconsin Regiment.

The soldier enlisted May 18, 1861, was discharged June 28, 1864, and died September 29, 1870.

After his death the widow was pensioned and her minor child. The widow drew a pension until she remarried, and the child until she arrived at the age of sixteen.

It appears that while the soldier was in the service he contributed to his mother's support. In affirmation of this the committee have the testimony of two witnesses, and he continued to aid her so far as he could after his marriage and until his death. When he died she had no means of support, and from that time to the present she has struggled to obtain a living by her own exertions, with very poor success. At the present time she is far advanced in years, is in delicate health, and being without resources from relatives or friends she is entirely destitute of income.

Her case corresponds with some of the needy and meritorious cases that Congress has sometimes recognized, and the committee do not think it will be any excess of liberality on the part of the Government to allow her the small pension provided for in the bill, which is reported favorably with a recommendation that it do pass.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

BENJAMIN T. BAKER.

The next Senate bill was the bill (S. 2531) granting an increase of pension to Benjamin T. Baker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Benjamin T. Baker, late a quartermaster on the United States steamer Spuyten Duyvil in the United States Navy, and pay him at the rate of \$50 per month, in lieu of that which he is now receiving.

Mr. KILGORE. I ask for the reading of the report.

The report (by Mr. NUTE) was read in part. It is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2531) granting a pension to Benjamin T. Baker, submit the following Senate report, and adopt the same as their report:

[Senate Report No. 309, Fifty-first Congress, first session.]

The distressing facts in this case are fully set forth in the sworn evidence filed with your committee. The statement by Mrs. Saville is especially full, and made so at the request of the member of the committee to whom the case was referred for special examination. It is indeed seldom that the tragic records of suffering occasioned by patriotic service have so strongly appealed to the justice and sympathy of the country.

We append the evidence in the case supporting the application for increase of pension.

WASHINGTON, D. C.

Benjamin T. Baker, being sworn according to law, certifies as follows:

I enlisted in Colonel Sewell's First New York Volunteer Engineers, Company H, Capt. F. Cruess, January 22, 1862; served one year and six months; was honorably discharged for paralysis of the legs and other disabilities.

In June, 1864, I enlisted in the Navy as quartermaster; was with Capt. John Lay at Dutch Gap, on board the torpedo-boat Spuyten Duyvil. During the winter of 1864 and 1865 we lived on board the torpedo boat, the Government failing to send the tender for us to sleep on, as they had promised to do. I was in charge of the boat during Captain Lay's absence, and for five long, weary months had no

birth to lie in. To keep the iron under water we filled bags of sand and put on the deck, being obliged to keep them wet all the time.

From these and donkey pumps the water was constantly dripping below on the torpedo-boat on which I was obliged to lie. We could not stand on the top of the torpedo-boat for many minutes at a time, the weather being bitterly cold, and the frost and ice preventing our keeping a foothold. We were obliged to crouch down, or stand the best we could, between the wet bags. Our clothing was constantly saturated with water, and we had no place to go in order to change, as everything we had was below and wet before we put it on. We took our meals on the Onondaga, a double-turreted monitor, which lay about 50 yards from us; we had no further privileges on the monitor. Our lives at this time were in great peril and we suffered more than words can describe.

During this winter I contracted bronchitis and was very ill for two months, my only resting place being the wet sand-bags and the torpedo-box below, with no spot to crawl into to escape the dripping water from above. In the spring I was sent to the hospital, at this time entirely helpless; I was two months in the hospital when the surgeon brought me my discharge, as my health was entirely broken, and at that time they did not think I would live to reach New York City, my home. I have suffered ever since with chronic bronchitis, and my life has been one long period of suffering.

I have been unable to support myself or family for long years, and have been dependent upon my daughter, who is now a widow, and is obliged to provide for us all by her own exertions. My family have to attend to me personally; my constitution has become so weakened by frequent paroxysms of coughing, which completely prostrated me. I desire to secure the highest grade of pension—\$72 per month—as my sufferings have been severe and I am unable to care for myself, financially or physically, but a pensioner on others.

BENJAMIN T. BAKER.

Subscribed and sworn to before me this 17th day of April, A. D. 1888.

[SEAL.]

M. M. ROHRER.

Notary Public.

This certifies that I am the daughter of Benjamin T. Baker, and personally cognizant of his condition in the past and at the present time. He has been an invalid since the war, having contracted chronic bronchitis while in the service of the United States Navy through neglect of the Government to provide proper accommodations while on board the torpedo-boat Spuyten Duyvil (Capt. John Lay) at Dutch Gap. No sleeping accommodation was provided him, and he was constantly saturated with the water which dripped from the deck above. He is a great sufferer; reduced to a skeleton from years of pain and torture, of which to give a copious account would make the heart of adamant turn in pity. He has had very severe hemorrhages from the lungs, in every instance leaving him near death. He can not bear the least atmospheric change without a violent fit of coughing, which lasts many minutes or an hour, as the case may be; in the latter event he becomes so exhausted he faints away, and lies unconscious until restoratives are administered, then he is unable to leave his couch for hours after. At such times we have to give him stimulants frequently, and by this artificial means keep him alive. He has not been able to bathe himself for several years.

He never lies down at night or rises in the morning without a long paroxysm of coughing, usually lasting an hour, and often longer. His medicine and a stimulant is always brought to his room and prepared for use, to relieve him if possible. These spells must be endured; he expects them upon rising and retiring, and the anticipation is such agony he often wishes himself dead. A poor, weak, emaciated body aches but to imprison a soul to torture and harass. The unseen particles floating in the air irritate his throat so constantly that an incessant hacking and expectoration is kept up night and day. No interval from pain marks the day, no respite of a few moments for the lungs in the efforts to clear the air passages. These convulsions are incessant, in a greater or less degree, month in and month out, while these drag into years, for his life is one long period of pain and suffering and fighting with disease. Four or five of these fearful paroxysms of coughing have to be gone through every day; hence his strength is gone and he is rendered entirely helpless.

He is now past seventy years old, with no hope of ever again being able to know a month's freedom from suffering. He served a double record during the late rebellion, having been in both the Army and the Navy, remaining in the Army until totally unfit for duty by sickness from exposure, only giving up when he could no longer stand on his feet, and then by order of the surgeon, who absolutely drove him from duty to the hospital, he being a friend, and fearing he would die on his feet. He left the hospital for his home, accompanied by two friends from New York, who went to fetch him, the surgeon quietly telling these friends he would die on the way home. This was the belief of every one. But he recovered sufficiently to go out, and immediately entered the Navy and again took up the cause of his country's honor. Surely his record as a soldier deserves some recognition, and his present condition a great deal of sympathy and the proper reward.

His wife is sixty-two years of age; entirely broken down in health, and terribly emaciated by constant anxiety and attendance upon her invalid husband. Her sight is so very defective from a cataract, and her other physical weakness, that she is no longer able to attend to his personal wants, as it is dangerous, even if her health would permit, for her to do so. In a moment of fright, when the said Benjamin T. Baker was in a violent paroxysm of coughing, she was hastening to him with a restorative, and supposing she had reached his room, she stepped off the stairs, falling down nineteen winding steps, escaping death by a miracle, but injuring herself very seriously. She was terribly bruised, and ill for three weeks; from this shock she probably never will recover.

The care of both parents now devolves upon me, which I am quite inadequate to, both financially and physically. I struggle through, but am fearful with this constant strain I shall give out completely. I am not able to employ a nurse; thus every little detail which makes up so much of an invalid's life depends on me. I must be in constant attendance. The proper care of one alone would be deemed sufficient for one person.

Aside from this my young sister is in a very precarious state of health. She is the only other living child of my parents, and her condition is another sorrow added to my life. She can not endure the severity of our Northern winters. Hitherto she has gone South, accompanied by mother or myself. Having met with severe financial losses two years ago, I could not go away with her or send her away with another. My means would not permit me to move my family, and I could not leave two invalids to preserve the life of another. My physician constantly warns me of my sister's danger, and I am saddened by the thought that I am chained by poverty, unable to raise my hand to save her. The money which I now employ to render my parents comfortable would permit me to make a provision for her, but at the present time we must keep together to live.

A consultation with our physician, Dr. T. H. Yarrow, of Philadelphia, a few days since, resulted in the same warning words: "Your sister should go South in the early fall and remain until the late spring." This is ominous for me, and I can simply clasp my hands in despair.

My parents, and sister as well, are dependent upon me for everything—home, clothing, food, etc. Having no other income than the \$24 a month awarded Benjamin T. Baker a few months ago, this amount hardly pays for the medicines and tonics which are constantly required, and as often changed in the hope of some new drug which may bring relief.

The physician's bill is also another of the cares which rest entirely upon me,

and this expenditure is not trifling. My sister being obliged from my inability to go away with her or send her away has caused me more expense in this direction for several years, as her condition is very much aggravated by the severity of this winter. She, too, is so weak I have to give her great care and be very watchful. It is a very distressing state of affairs for me to see her becoming more frail every day, and to feel that she is fading away like a flower simply because I can not give her the proper attention.

This case is all the more sad from the fact that in his enthusiasm Benjamin T. Baker, to preserve the honor and glory of his country, closed out a flourishing business, leaving his wife and young family a small competency to answer their wants during his absence, thereby changing their living from one of luxury and happiness to that of extreme economy, loneliness, and sorrow. We can only sit now and dwell upon the impoverishment of his family—everything gone, and he a dependent upon a widowed daughter. I am obliged to earn my living by my pen, which is often very embarrassing and in my case not remunerative. I barely make enough to provide for my dependent ones and myself. I am sadly retarded by the incessant care demanded of me, and I find my strength weakening.

I therefore make this statement of the true facts and the infirm and helpless condition of the said Benjamin T. Baker, hoping Congress will give him an increase of pension from \$24 to \$72 a month, his dependent and painful condition making his case worthy of this reward.

WILHELMINA A. SAVILLE.

Subscribed and sworn to before me 20th day of April, A. D. 1888.

[SEAL.] M. M. ROHRER, Notary Public.

This certifies that I have known Benjamin T. Baker personally and am thoroughly cognizant of his condition. He has long been a sufferer from chronic bronchitis and hemorrhages. To my personal knowledge he is totally unable to aid himself, being a confirmed invalid, and being in such an enfeebled condition he requires the attendance of his wife or daughter constantly.

He has severe coughing spells, which render him insensible and prostrate him for hours at a time. He is reduced to a skeleton through disease contracted while in the Navy during the rebellion. He is entirely dependent upon his daughter (a widow), who is also dependent upon her own exertions for a livelihood, and who also has others dependent upon her. His wife is now in failing health, her sight being very defective and her physical condition generally giving way, rendering her unable to give personal attention to her invalid husband, thereby throwing the entire care upon her daughter, who can not afford to hire an attendant to relieve her.

O. S. DAVIS.

Subscribed and sworn to before me this 17th day of April, A. D. 1888, at Washington City, District of Columbia.

[SEAL.] JOHN T. C. CLARK, Notary Public.

This certifies that I have known Benjamin T. Baker, formerly residing in Philadelphia, for several years. His physical condition renders him unable to support himself and family, he having suffered with chronic bronchitis very severely, at times having severe hemorrhages. I attended him for several years during his residence in this city.

THOMAS J. YARROW, M. D.

PHILADELPHIA, April 14, 1888.

Sworn and subscribed to before me the 14th day of April, A. D. 1888. Witness my hand and notarial seal.

[SEAL.] P. T. CLARK, Notary Public.

STATE OF PENNSYLVANIA.

City and County of Philadelphia, ss:

Personally came B. T. Fisher, residing in the city of Philadelphia, who, being duly affirmed according to law, affirms and says that he is acquainted with Benjamin T. Baker, formerly residing in the city of Philadelphia, now a resident of Washington City. From my knowledge of him and his family he has been for some time past wholly dependent upon the love and care of his daughter, Mrs. Wilhelmina Saville, herself a widow, dependent upon her own exertions to provide for herself and her father and mother. The said Benjamin T. Baker is in infirm health, now over seventy years of age, very deaf, and in my judgment will, during all his future years, be dependent upon others and not able to earn anything, by reason of his general physical debility; and I understand he requires an attendant nearly all the time to perform the ordinary things of life, such as washing himself, etc.

B. F. FISHER.

Affirmed and subscribed to before me, a notary public, this 13th day of April, 1888.

[SEAL.] WILLIAM E. KNOWLES, Notary Public.

STATE OF PENNSYLVANIA.

City and County of Philadelphia, ss:

Personally came Seth W. Wilson, residing in the city of Philadelphia, who, being duly sworn according to law, says that he is and has long been acquainted with Benjamin T. Baker, formerly residing in the city of Philadelphia, now a resident of Washington City. From my knowledge of him he has been for some time past wholly dependent upon his daughter, Mrs. W. A. Saville, herself a widow, supporting her father and mother by her own labor.

Mr. Baker, now over seventy years old, is, and has long been, in infirm health, is very deaf, and in my opinion will never be able to exercise any care or provision for himself, as he now requires a personal attendant in the ordinary exercise of daily life.

SETH W. WILSON.

Subscribed and sworn to this 13th day of April, A. D. 1888, before me.

[SEAL.] H. F. REARDON, Notary Public.

STATE OF PENNSYLVANIA.

City and County of Philadelphia, ss:

Personally came A. L. Farrand, residing at Ardmore, Pa., who, being duly sworn according to law, says that he has been long acquainted with Benjamin T. Baker, formerly of Philadelphia, but now residing in Washington, D. C.; that the said Benjamin T. Baker, now past seventy years of age, is now, and has for several years past been, totally unfit to perform either mental or physical labor. The sole dependence of himself and wife rests upon his daughter, Mrs. W. A. Saville (widow), who is obliged to labor for their support.

A. L. FARRAND.

Sworn and subscribed to the 14th of April, A. D. 1888, before me.

[SEAL.] ISRAEL HECHT, Notary Public.

Mr. KILGORE. I would like to know what pension this man is drawing now. Does any one know anything about this bill? This

man appears to have been a quartermaster—not a man whose claims would commend him to any preference.

Mr. MORRILL. The gentleman will bear in mind that in pensioning our soldiers and sailors the question is not one of rank at all, but of disability. Under our present law there is no rate between \$30 and \$72, so that unless a man can show himself entitled to \$72 a month, he can not receive more than \$30. We propose to allow this man \$10 a month, which we are thoroughly satisfied he is entitled to according to his disability.

Mr. KILGORE. The report, so far as read, did not indicate any disability.

Mr. MORRILL. I am aware of that, but as the report is long it was not all read.

The SPEAKER pro tempore. The report shows that this man is now receiving a pension of \$24 a month.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

BENJAMIN F. BROWN.

The next Senate bill was the bill (S. 2574) granting a pension to Benjamin F. Brown

The bill was read, as follows:

Be it enacted, etc. That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Benjamin F. Brown, late second lieutenant of the First New Hampshire Volunteers, at the rate of \$30 per month.

The report (by Mr. NUTE) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2574) granting a pension to Benjamin F. Brown, submits the following report as adopted by the Senate:

"Benjamin F. Brown was a second lieutenant of the First Regiment United States Sharpshooters, serving nearly two years in the late war. He is now an inmate of the Lunatic Hospital at Worcester, Mass., with no prospect of recovery, according to the statement of Dr. Park, the superintendent of that institution. There is appended a copy of a report made to Mrs. Brown of her husband's condition in December last. The lady is blind and has been so for several years. Their property is gone and the case appeals strongly for favorable action.

"A copy of the soldier's service is attached hereto, which shows the excellent record which he made and also that he was discharged because of disability. The claim was rejected by the Pension Office on the ground of insufficient testimony as to continuance of disease since discharge. General Berdan, who commanded the regiment in which Mr. Brown served, bears testimony to the soldier's excellent character, to his illness while in the service, and to the probability of the incurability of his stroke while in the line of duty.

"In view of the strong testimony filed in this case before the Pension Office and of the recommendation of the board of surgeons of that office by whom the claimant was examined, your committee report the bill favorably.

"THE WORCESTER LUNATIC ASYLUM,
Worcester, Mass., December 10, 1889.

"DEAR MADAM: Mr. B. F. Brown is suffering from paralysis. He walks about with great difficulty and his speech is so much affected that it is almost impossible to understand him when he talks. He is delusional and at times considerably excited. He was committed to this hospital from Newton, October 31, 1887, then said to be twelve years insane.

"Very respectfully,

"Mrs. B. F. BROWN,
Newton Highlands, Mass.

"T. G. PARK, Superintendent.

"NEWTON HIGHLANDS, MASS., December 9, 1889.

"To whom it may concern:

"This will certify that Mrs. B. F. Brown is a resident of this parish and known by myself and all her neighbors to be blind, an affliction of several years' standing.

"GEO. G. PHIPPS,
Pastor of Congregational Church."

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ALBERT P. DAVIS.

The next Senate bill was the bill (S. 3159) granting an increase of pension to Albert P. Davis.

The bill was read, as follows:

Be it enacted, etc. That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Albert P. Davis, late a private in Company K, Ninth Regiment of New Hampshire Volunteers, at the rate of \$30 per month, in lieu of the pension he now receives.

The report (by Mr. NUTE) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 3159) granting an increase of pension to Albert P. Davis, submit the following report as adopted by the Senate:

Your committee report this bill favorably and recommend its passage in view of the claimant's affidavit and the medical testimony hereto attached. Dr. Gallinger was a Representative from the Second New Hampshire district in the Forty-ninth and Fiftieth Congresses, and a member of the House Committee on Invalid Pensions during that period; Dr. Morrill is one of the most prominent physicians in the State.

OFFICE OF J. H. GALLINGER, M. D.,
Concord, N. H., March 13, 1890.

This may certify that I have this day made a careful physical examination of Albert P. Davis, late of Company K, Ninth Regiment New Hampshire Volunteer Infantry, and find his condition to be as follows:

(1) His left hand is practically useless from a wound received in the United States Army, and for which he is pensioned.
(2) In consequence of an injury received in a railroad accident in April, 1879, the right arm is almost entirely useless, ankylosis of the elbow joint existing and much other deformity having resulted.

(3) There are evidences of chronic malarial trouble, which confirm soldier's statement that he has suffered from chills and fever ever since his army service. In short, soldier is a total physical wreck, and in my opinion is equitably entitled to a pension at the rate of \$30 per month.

J. H. GALLINGER, M. D.

CONCORD, N. H., March 11, 1890.

Albert P. Davis first consulted me ten years ago for symptoms of chronic malaria. I have visited him and prescribed for him occasionally since that date for the same disease.

I am now treating him for an acute attack of malaria, with headache, nausea, vomiting, high fever, following a severe chill, then sweating and moderate icterus. Yesterday afternoon and to-day he was able to come to my office for advice.

Mr. Davis is a man of great pluck and energy, otherwise he would long ago have been helpless. The functions of the liver are imperfectly performed at all times, and occasionally they seem to be almost entirely suspended. Moreover, the general and habitual malaise resulting from the malnutrition which almost invariably attends chronic malaria is another cause of constant weakness and debility in this case.

S. C. MORRILL, M. D.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MARGARET FLAHERTY.

The next Senate bill was the bill (S. 2575) granting a pension to Margaret Flaherty.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Margaret Flaherty, mother of Bartlett Flaherty, late a private in Company F, Thirty-first Maine Volunteers, at the rate of \$12 per month, in lieu of the pension she now receives.

The report (by Mr. NUTE) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2575) granting a pension to Margaret Flaherty, submit the following report as adopted by the Senate:

"The claimant is now on the pension-rolls by special act at \$8 per month. The rate being named in the special act prevents an increase under the general law to \$12, the rate at which dependent mothers are now pensioned. This is the only case of a dependent mother pensioned at the lower sum now on the rolls of the Concord (N. H.) agency.

"Your committee therefore recommend the passage of the bill as an act of justice to the claimant, who is an old lady deserving aid and poor."

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

HARRIET B. HAMILTON.

The next Senate bill (on the Private Calendar) was the bill (S. 3234) granting a pension to Harriet B. Hamilton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws the name of Harriet B. Hamilton, step-mother of William L. Hamilton, late a private in Company D, Fourteenth Regiment of New Hampshire Volunteers.

The report (by Mr. NUTE) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 3234) granting a pension to Harriet B. Hamilton, submit the following report, as adopted by the Senate:

"The Committee on Pensions, to whom was referred the bill granting a pension to Harriet B. Hamilton, have examined the same and report:

"Mrs. Hamilton was the step-mother of the soldier. The soldier's father, Alfred Hamilton, drew pension as dependent parent from time of soldier's death in 1836 to his own death in 1838. Mrs. Hamilton married Alfred Hamilton in 1844, and had charge of the soldier during his youth, being in fact the only mother he knew. Precedents for the desired action are numerous. The bill is reported with a favorable recommendation."

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MARTHA N. HUDSON.

The next business on the Private Calendar was the bill (S. 3431) granting a pension to Martha N. Hudson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Martha N. Hudson, widow of Lieut. Col. James Hudson, of the Eighth Massachusetts Volunteers.

The report (by Mr. NUTE) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 3431) granting a pension to Martha N. Hudson, submit the following report as adopted by the Senate, with an amendment, inserting between the words "pension laws," in line 5, and the word "the," in line 6, the words "at the rate of \$8 per month."

[Senate Report No. 1504, Fifty-first Congress, first session.]

Martha N. Hudson is the widow of Lieut. Col. James Hudson, of the Eighth Massachusetts Volunteers. Colonel Hudson died in 1868. In 1870 Mrs. Hudson married again, one Joseph Chipman, by whom she was deserted in 1874, and from whom she obtained a decree of divorce in 1881. Chipman died in 1883. By this second marriage she forfeited her right to pension under the general law. She has supported herself by her own labor since her husband's desertion, sixteen years ago, but now finds herself unable longer to do so, owing to increasing weakness and age.

Mrs. Hudson's petition, certificates showing each of her marriages, her divorce from Chipman, and the death of each husband, are hereto attached.

She is now about sixty years of age, dependent for support upon others, especially her brother, who is not able to assume the extra responsibility in addition to that imposed by his own family.

In view of these facts and Colonel Hudson's meritorious services, your committee report the bill favorably and recommend its passage.

STATE OF MASSACHUSETTS, County of Suffolk, ss:

I, Martha N. Hudson, of Charlestown, in said county, under oath depose and say I was married to James Hudson, jr., at Lynn, Mass., in January, 1864. He was

captain of Company F, Eighth Regiment Massachusetts Volunteers. He answered to the first call for troops in 1861 and served as captain of said company for three months. He was stationed at Annapolis and at the Relay House, Md., also at Washington, D. C. In November, 1862, he was appointed lieutenant-colonel of the same regiment and with his command served nine months. He was stationed at New Bern, N. C. Upon his arrival home in July, 1863, he was sick with malarial fever and chills, and for several weeks kept his room and bed. He was sick a great deal of the time after he left the service in 1863 until his death in April, 1880. In 1879 I married Joseph Chipman, of Beverly, Mass., who served in Captain Porter's company, unattached infantry, in July, 1864, for one hundred days. I obtained a divorce from him for non-support in 1878. He was run over and killed by the cars at Beverly, Mass., in 1882.

Ever since the death of Colonel Hudson I have supported myself by manual labor, though at times wholly unable, owing to the feeble condition of my health. I am now wholly dependent upon charity, as my health is so poor I am unable to earn anything, to be relieved from which I shall ever pray and ask your honorable body to afford me that relief. Colonel Hudson's health was so impaired while in the service of the United States that he was unable to properly attend to his business up to his death. He left but a little property for my support, which was all used up in two years. I am fifty-eight years old, was born in Salem, Mass., Essex County. My maiden name was Martha N. Kenney.

MARTHA N. HUDSON.

BOSTON, March 10, 1890.

COMMONWEALTH OF MASSACHUSETTS, Suffolk, ss:

Then personally appeared the above-named Martha N. Hudson, to me personally known, and made oath to the truth of all the statements in the foregoing affidavit, including the eight interlined words on this page.

Before me.

ABNER C. GOODELL, Jr.,

Justice of the Peace for Essex County,

Duly authorized to administer oaths in said county of Suffolk.

COMMONWEALTH OF MASSACHUSETTS,
SECRETARY'S DEPARTMENT, Boston, March 10, 1890.

I hereby certify that at the date of the attestation hereto annexed, Abner C. Goodell, jr., was a justice of the peace for the said Commonwealth, duly commissioned and constituted; that to his acts and attestations, as such, full faith and credit are and ought to be given, in and out of court; that I believe his signature to be genuine; and that said justice of the peace is by law authorized to take depositions, administer oaths, and take acknowledgments of deeds and other instruments throughout the Commonwealth.

In testimony of which I have hereunto affixed the seal of the Commonwealth the date first above written.

[SEAL.]

HENRY B. PIERCE,

Secretary of the Commonwealth.

COMMONWEALTH OF MASSACHUSETTS,
City of Lynn, March 5, 1890.

I, Chas. E. Parsons, hereby certify that it appears by the record of marriages in said Lynn that a marriage was solemnized in said Lynn between James Hudson, jr., and Martha N. Kenney, on the 11th day of January, in the year 1864.

The record is in the following words and figures to wit: Date of marriage, January 11, 1864; name and surname of groom, James Hudson, jr.; name and surname of bride, Martha N. Kenney; by whom married, E. Winchester Reynolds, clergyman.

I, Chas. E. Parsons, above named, depose and say that I hold the office of city clerk of the city of Lynn, in the county of Essex and Commonwealth of Massachusetts; that the records of births, marriages, and deaths in said city are in my custody, and that the above is a true extract from the records of marriages in said city, as certified by me.

Witness my hand and the seal of the said city of Lynn, on the day and year first above written.

[SEAL.]

CHAS. E. PARSONS, City Clerk.

NOTE.—By a decision of the Commissioner of Pensions, December 6, 1864, these certificates need not be sworn to. The seal of a city is sufficient, without further attestation.

COMMONWEALTH OF MASSACHUSETTS,
City of Lynn, March 5, 1890.

I, Charles E. Parsons, hereby certify that it appears by the record of deaths in said Lynn, James Hudson, jr., died in said Lynn on the 8th day of April, in the year 1868.

The record is in the following words and figures, to wit: Date of death, April 8, 1868; name and surname of deceased, James Hudson, jr.; name and surname of father Isaac O. Hudson; name and surname of mother, Louisiana Hudson; by whom registered, Benj. H. Jones, city clerk.

I, Charles E. Parsons, above named, depose and say that I hold the office of city clerk of the city of Lynn, in the county of Essex and Commonwealth of Massachusetts; that the records of births, marriages, and deaths in said city are in my custody, and that the above is a true extract from the records of deaths in said city, as certified by me.

Witness my hand and the seal of the city of Lynn on the day and year first above written.

[SEAL.]

CHAS. E. PARSONS, City Clerk.

COMMONWEALTH OF MASSACHUSETTS,
Town of Beverly, March 5, 1890.

I, William H. Lovett, hereby certify that it appears by the record of marriages in said Beverly that a marriage was solemnized in said Beverly between Joseph Chipman and Martha A. Hudson, m. n. Kenney, on the 12th day of June, in the year 1870.

The record is in the following words and figures, to wit: Date of marriage, June 12, 1870; name and surname of groom, Joseph Chipman; name and surname of bride, Martha A. Hudson, m. n. Kenney; by whom married, G. W. Whitney, pastor Universalist church.

I, William H. Lovett, above named, depose and say that I hold the office of town clerk of the town of Beverly, in the county of Essex and Commonwealth of Massachusetts; that the records of births, marriages, and deaths in said town are in my custody, and that the above is a true extract from the records of marriages in said town, as certified by me.

WILLIAM H. LOVETT, Town Clerk.

MARCH 5, 1890.

ESSEX, ss:

Subscribed and sworn to before me this day; and I certify that I am not interested herein.

JOHN M. MURNEY, Justice of the Peace.

COMMONWEALTH OF MASSACHUSETTS, Essex, ss:

At the supreme judicial court begun and holden at Salem, within and for the county of Essex, on the first Tuesday of November, in the year of our Lord 1881, Martha N. Chipman, of Salem, in the county of Essex, shows that she is the wife of Joseph Chipman, now resident at Beverly, in said county, and that she was lawfully married to said Joseph on the 11th day of June, A. D. 1870, at said Beverly, and that she and her said husband lived together as husband and wife at said Beverly, and at Lynn, in said county, until the month of April, A. D. 1874, at which time said Joseph utterly and willfully deserted the libellant, without cause and against her will, and has continued such desertion ever since and until this date, being more than three consecutive years; and she also shows that during said time since April, 1874, and before that date, said Joseph, being of sufficient ability, has wantonly and cruelly neglected and refused to furnish the libellant with sufficient, or any maintenance.

Wherefore the libellant prays for a divorce from the bonds of matrimony between her and her said husband, and that said Joseph may be decreed to pay her sufficient and suitable alimony, as well pending this suit as subsequently, for her comfortable support, and that the goods and estate of said Joseph may be attached to the amount and value of \$5,000, as security for the payment of such alimony and the enforcement of such other decrees as may be made in the premises.

This libel was entered at April term, 1878, when it appeared to the court that all proceedings required by law had been had upon the same. And the said Joseph Chipman, although solemnly called to come into court and show cause why the prayer of said libellant should not be granted, did not appear, but made default. And the evidence adduced in support of said libel having been heard and understood, the court were of the opinion that the material facts therein alleged were satisfactorily proved.

It was therefore considered and decreed *sist*, by the court, that the bonds of matrimony theretofore entered into between the said Martha N. Chipman and the said Joseph Chipman, for the desertion of the said Joseph, be dissolved; the decrees to be made absolute, on motion, after the expiration of six months from the first publication thereof, upon compliance with the terms thereof, unless sufficient cause to the contrary should appear.

And now the said period of six months having expired, and it being made to appear that the said libellant has complied with the terms of said decree, and no cause to the contrary appearing, it is considered by the court here that the decrees aforesaid be made absolute; of which all persons interested are to take notice and govern themselves accordingly.

The foregoing is a true copy of record.

In testimony whereof I herewith set my hand and affix the seal of said court on this 15th day of March, A. D. 1890.

Attest:
[SEAL.]

EZRA L. WOODBURY, Assistant Clerk.

COMMONWEALTH OF MASSACHUSETTS,
Town of Beverly, March 5, 1890.

I, William H. Lovett, hereby certify that it appears by the record of deaths in said Beverly that Joseph Chipman died in said Beverly on the 11th day of October, in the year 1882.

The record is in the following words and figures, to wit: Date of death, October 11, 1882; name and surname of deceased, Joseph Chipman; name and surname of father, John H. Chipman; name and surname of mother, Elizabeth Chipman (Hill); by whom registered, William H. Lovett, town clerk.

I, William H. Lovett, above named, depose and say that I hold the office of town clerk of the town of Beverly, in the county of Essex and Commonwealth of Massachusetts; that the records of births, marriages, and deaths in said town are in my custody, and that the above is a true extract from the records of deaths in said town as certified by me.

WILLIAM H. LOVETT, Town Clerk.

MARCH 5, 1890.

ESSEX, ss:

Subscribed and sworn to before me this day; and I certify that I am not interested herein.

JOHN M. MURNEY, Justice of the Peace.

The amendment reported by the committee was read, and agreed to. The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

SALINA B. MERRICK.

The next Senate bill was the bill (S. 3543) granting a pension to Salina B. Merrick.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Salina B. Merrick, widow of Arthur L. Merrick, late a private in Company K, Fifteenth Regiment of New Hampshire Volunteers.

The report (by Mr. NUTE) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 3543) granting a pension to Salina B. Merrick, submit the following report as adopted by the Senate:

"Arthur L. Merrick was the color-sergeant of the Fifteenth Regiment of New Hampshire Volunteers. He received a gunshot wound of the right thigh at Port Hudson in 1863, from which he suffered severely until his death in 1868, and for which he was pensioned at the rate of \$16 per month at the time of his death. The bullet was never extracted.

"All the reports of examinations of him by the examining board of surgeons indicate clearly that there resulted from the soldier's wound great suffering, lack of exercise, necessary use of opiates to obtain relief from pain, and a weakening of the system as a natural outcome of the foregoing. In the record of his death filed by the attending physician, the immediate cause is stated as heart-failure, the predisposing cause as his army disabilities. The Bureau of Pensions declines to accept the connection thus indicated between these causes, although the claim receives the approval of the legal reviewer.

"The attending physician, whose reputation and ability are attested, assigns the soldier's army disabilities as a predisposing cause, and two other reputable physicians make affidavit to treating soldier for valvular disease of the heart, which they considered a legitimate result of his army wounds. In view of this medical testimony, the soldier's honorable record, the widow's need, your committee report the bill favorably and recommend its passage."

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WILLIAM NORWOOD.

The next Senate bill on the Private Calendar was the bill (S. 4046) granting a pension to William Norwood.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Norwood, late seaman United States Navy.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MALINDA COLLINS.

The next Senate bill on the Private Calendar was the bill (S. 435) granting a pension to Malinda Collins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Malinda Collins, widow of James L. Collins, a private in Company A, Sixth Regiment Provisional Enrolled Missouri Militia, and Company H, Seventy-fourth Regiment Enrolled Missouri Militia.

Mr. KILGORE. Unless we can have some explanation of this case, I would like to hear the report.

Mr. MORRILL. I think I can save time by stating the facts of the case. This man, who was a member of the Missouri Enrolled Militia, was taken prisoner and paroled. Instead of obeying his parole, he returned to his command. He was again taken prisoner and was shot. This bill is to pension his widow.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

THOMAS H. WILKERSON.

The next Senate bill was the bill (S. 1040) granting a pension to Thomas H. Wilkerson.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Thomas H. Wilkerson, a private in the company of Capt. John W. Biven's company of Arkansas Home Guards, attached to the First Regiment of Arkansas Cavalry.

The bill was ordered to a third reading; and being read the third time, was passed.

GEORGIANA W. VOGDES.

The next Senate bill was the bill (S. 3532) granting a pension to Georgiana W. Vogdes.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Georgiana W. Vogdes, widow of Israel Vogdes, late colonel and brevet brigadier-general, United States Army, and pay her a pension at the rate of \$109 per month.

Mr. KILGORE. Let the report be read.

Mr. CRAIG. I will state to the gentleman that this is a particularly lengthy report, and I think I can state the facts in brief form so that the gentleman will be satisfied that the bill ought to pass. In the first place we have amended the bill so as to provide for a pension of \$50 per month.

Mr. KILGORE. I am not having the report read for my benefit, but for the benefit of the House.

Mr. CRAIG. But the report recommends this amendment, and I supposed that the gentleman's objection was to the amount carried by the bill.

Mr. KILGORE. Did this man serve in the Army?

Mr. CRAIG. He served in the Army from 1833 to 1861.

Mr. KILGORE. All right.

The amendment was adopted.

The bill as amended was ordered to a third reading; and being read the third time, was passed.

J. SEATON KELSE.

The next Senate bill was the bill (S. 3760) granting a pension to J. Seaton Kelse.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of J. Seaton Kelse, late assistant surgeon Second Wisconsin Cavalry.

The bill was ordered to a third reading; and being read the third time, was passed.

JOHN M. DUNN.

The next Senate bill was the bill (S. 4370) granting a pension to John M. Dunn.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John M. Dunn, late first lieutenant of Company E, First Regiment Delaware Volunteers, and subsequently first lieutenant of Company C, Seventh Delaware Volunteers, and pay him a pension at the rate of \$72 per month, in lieu of the rate of \$4 per month which he is now receiving.

Mr. KILGORE. Let the report in that case be read.

The SPEAKER *pro tempore*. The Chair is informed that the report is still in the hands of the Printer.

Mr. DALZELL. I will state to the gentleman from Texas that this bill passed the Senate giving a pension of \$72 a month. As pro-

posed to be amended by the House committee it gives but \$50. The report of the Senate committee, however, is adopted. And I want to say to the gentleman that this report reads like a romance.

Mr. KILGORE. That is the reason I would like to have it read. [Laughter.]

Mr. DALZELL. No braver soldier ever drew a sword. I can furnish the gentleman with a copy of the report if he desires to examine it.

I am told by gentlemen who have examined the evidence that this man is in a condition where under existing law he would be entitled to \$72 a month in a short time.

Mr. KILGORE. The House committee recommend \$50, I understand?

Mr. DALZELL. Yes, sir; the committee recommend a reduction from \$72 to \$50.

Mr. BELKNAP. The amendment is stated in the report.

Mr. KILGORE. All right.

The amendment recommended by the committee was adopted.

The bill as amended was ordered to a third reading; and being read the third time, was passed.

EMILY F. WARREN.

The next Senate bill was the bill (S. 1812) granting an increase of pension to Emily F. Warren.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Emily F. Warren, widow of G. K. Warren, late a major-general in the United States Army, and pay her a pension at the rate of \$100 per month, subject to the provisions and limitations of the pension laws.

Mr. KILGORE. Let the report be read.

The report (by Mr. NUTE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1812) granting an increase of pension to Emily F. Warren, submit the following report: The committee find the facts fully set forth in the Senate report accompanying said bill, which is annexed hereto and made a part of this report. Concurring in said report your committee recommend the passage of said bill.

[Senate Report No. 231, Fifty-first Congress, first session.]

The Committee on Pensions, to whom was referred the bill granting an increase of pension to Emily F. Warren, widow of Maj. Gen. G. K. Warren, have examined the same and report:

The appended report, made by your committee in the last Congress, is adopted and the bill reported with a favorable recommendation.

REPORT.

Mrs. Warren is now becoming old, in weakened health, with a very limited and uncertain income, so that her present pension does not afford the comforts of life. Beyond this she has little that she can depend upon, and besides herself has necessary expenditures for two of her children. Her personal labor has become unavoidable in obtaining a livelihood.

In several familiar cases pensions to the amount provided in this bill have been granted to the widows of officers whose record of service, however distinguished, could not and did not surpass that of General Warren.

It is an act of justice merely to the memory of this gallant and devoted officer, whose remarkable record is hereto appended, to provide for the comfort of her who is the widow of one of the purest patriots who ever served in the American Army.

[General Orders, No. 5.]

HEADQUARTERS CORPS OF ENGINEERS, U. S. ARMY.
Washington, D. C., August 9, 1882.

It has become the painful duty of the brigadier-general commanding to announce to the Corps of Engineers the death of a brother officer, Lieut. Col. Gouverneur K. Warren, brevet major-general, U. S. Army, who died at Newport, R. I., yesterday.

General Warren was graduated from the Military Academy and promoted to the rank of brevet second lieutenant in the Corps of Topographical Engineers, July 1, 1850. He served as assistant engineer on the Topographical and Hydrographical Survey of the Delta of the Mississippi, 1850-'52, and to the board for the improvement of canal around the Falls of the Ohio, 1852-'53; in charge of surveys for the improvement of Rock Island and Des Moines Rapids, Mississippi River, 1853-'54; in compiling the general map and reports (conjointly with Captain, now General, A. A. Humphreys, of Pacific Railroad explorations, 1854; as chief topographical engineer on Sioux expedition, 1855, being engaged in the action of Blue Water, September 3, 1855; in charge of reconnaissances in Dakota Territory and making map and report of same, 1855-'56; and in Nebraska Territory, 1856-'57, and preparing maps and reports thereof, 1857-'59.

He was assistant professor of mathematics at the Military Academy, 1859, and principal assistant professor, 1859-'61.

He entered upon his distinguished service in the late civil war (1861-'66) in the Department of Virginia as lieutenant-colonel of the Fifth New York Volunteers, being engaged in the action at Big Bethel Church, June 10, 1861. He was engaged on the defense of Baltimore, and constructing fort on Federal Hill, 1861-'62, being temporarily detached on expedition to Northampton and Accomack Counties, Virginia, 1861; in the Virginia peninsular campaign (Army of the Potomac), 1862, being engaged in the siege of Yorktown, April 11-May 4, 1862, and in command of brigade, May 24, 1862; skirmish on Pamunkey River, May 26, 1862; capture of Hanover Court-House, May 27, 1862; battle of Guinea's Mill, June 27, 1862, where he was wounded; repulse of Wise's division at Malvern Hill (in command), June 29, 1862; battle of Malvern Hill, July 1, 1862, and skirmish at Harrison's Landing, July 2, 1862.

In the Northern Virginia campaign, 1862, he was engaged in the battle of Manassas, August 30, 1862, and the skirmish near Centreville, September 1, 1862. He was in command of brigade (Army of the Potomac) in the Maryland campaign, 1862, being engaged in skirmishes and battle of Antietam, September 15-17, 1862; skirmish with the enemy's rear guard on the Potomac September 19, 1862; and marched to Falmouth, Va., 1862. In the Rappahannock campaign, 1862-'63, he was in command of brigade till February 4, 1863. He then became chief topographical engineer of the Army of the Potomac, and was engaged in the battle of Fredricksburg, December 13-16, 1863; making reconnaissances, 1862-'63; action on Orange Pike, May 1, 1863; storming of Marye Heights, May 3, 1863, and battle of Salem, May 3-4, 1863, and as chief engineer of the Army of the Potomac, June 8 to August 12, 1863.

In the Pennsylvania campaign he was engaged in charge of the re-embarkation of stores at Aegula Creek, 1863; reconnaissance and battle of Gettysburg, July 1-3, 1863, where he was wounded; and construction of bridges, and making reconnaissances while pursuing the enemy, July-August, 1863.

He was in command of Second Corps (Army of the Potomac) from August 12, 1863, to March 24, 1864.

In the operations in Central Virginia he was engaged in movement to Culpeper and the Rapidan, September 12-16, 1863; combat at Auburn and Bristol Station (in command), October 14, 1863; skirmish at Bull Run, October 15, 1863, and at Kelly's Ford, November 8, 1863; movement at Mine Run, with heavy skirmishing, November 26-30, 1863, and demonstration upon the enemy across Merton's Ford, February 6, 1864.

He was in command of Fifth Corps (Army of the Potomac) from March 24, 1864, to April 1, 1865.

In the Richmond campaign he was engaged in the battle of the Wilderness, May 5-6, 1864; battles about Spottsylvania, May 6-26, 1864; battles of North Anna, May 23-25, 1864; skirmish on Totopotomoy Creek, May 29, 1864; battle of Bethesda Church, May 30, 1864; battles of Cold Harbor, June 1-4, 1864; skirmish on White Oak Swamp, June 13, 1864; assaults on Petersburg, June 17-18, 1864; siege of Petersburg, June 18, 1864-April 3, 1865; Petersburg mine assault, July 30, 1864; actions for the occupation of the Weldon Railroad, August 18-25, 1864; combat of Peebles's farm, September 30, 1864; action at Chapel House, October 1, 1864; skirmishes near Hatcher's Run, October 27-28, 1864; destruction of Weldon Railroad to Meherrin River, December 7-10, 1864; combat near Dabney's mill (in command), February 6-7, 1865; actions and movement to White Oak Ridge, March 23-31, 1865; battle of Five Forks, April 1, 1865.

He was in command of the defenses of Petersburg and Southside Railroad, April 3 to May 1, 1865; in command of the Department of Mississippi, May 14-30, 1865; and was at New York City preparing maps and reports of his campaigns, June 20, 1865, to July 31, 1866.

General Warren was promoted successively from the grade of Lieutenant to that of lieutenant-colonel, Corps of Engineers, and major-general, United States Volunteers. He received the brevets of lieutenant-colonel, United States Army, "for gallant and meritorious services at the battle of Guinea's Mill," Va., 1862; colonel, United States Army, "for gallant and meritorious services at the battle of Gettysburg," Pa., 1863; brigadier-general, United States Army, "for gallant and meritorious services at the battle of Bristol Station," 1865; and major general United States Army, "for gallant and meritorious services in the field during the rebellion," 1865.

Since the close of the war he has been superintending engineer of surveys and improvements of the Upper Mississippi and its tributaries, 1866-1870; of survey of the battle-field of Gettysburg, Pa., 1868-'69; and survey of the battle-field of Manassas, 1878; of Rock Island Bridge across the Mississippi, 1870; of the fortification of New London and New Haven, Conn., 1870-1874; of the improvement of certain rivers and harbors on Long Island, 1870-1874; of construction of Block Island Breakwater, R. I., 1870-1882.

He was a member of commission to examine Union Pacific Railroad and telegraphic lines, 1868-'69, and member of many important boards of officers of the Corps of Engineers organized for the consideration of the plans and the execution of the works of the corps, among which were the board on improvement of the Des Moines Rapids, 1867; board on bridge across Niagara River, at Buffalo, N. Y., 1870-'71; on bridging the Ohio River, 1870-'71, and 1878-1882; on plan for docks constructed for breakwater at Chicago Harbor, Ill., 1871; on the completion of Cincinnati and Newport Bridge over the Ohio, 1871; on the harbors of St. Louis, Mo., and Alton, Ill., and banks of the Mississippi, 1873; on bridging the channel between Lake Huron and Lake Erie, 1873; on ship-canal from the Mississippi to the Gulf of Mexico, 1873-'74; to examine the St. Louis bridge across the Mississippi, 1873; on the reclamation of the alluvial basin of the Mississippi, 1874-'75; on Mississippi bridges between St. Paul, Minn., and St. Louis, Mo., 1876; and on the improvement of the Mississippi River, from the Falls of St. Anthony to Rock Island Rapids, 1878. He was engaged in the survey of the battle-field of Groveton, Va., and in the preparation of campaign maps of certain operations in 1862-'63 of the Army of the Potomac in Virginia.

He was appointed a member of the advisory council of the harbor commissioners of the State of Rhode Island, 1878.

In 1870 General Warren was assigned to the charge of the surveys and improvements of various rivers and harbors in Southern New Massachusetts and in Rhode Island and Connecticut, on which duty and in the supervision of the construction and repair of the fortifications of New Bedford, Mass., of Narragansett Bay, and of Newport, R. I., he remained until the time of his death.

In scientific investigations General Warren had few superiors, and his elaborate reports on some of the most important works which have been confided to the Corps of Engineers are among the most valuable contributions to its literature.

In the field, in the late civil war, he was a brave and energetic officer, and in the high command to which he attained by his patriotic valor and skill he merited the admiration of the Army and the applause of his country.

He was kind and considerate in all the relations of life, and his family in its affliction will have the hearty sympathy of the Corps of Engineers.

As a testimonial of respect for the deceased, the officers of the corps will wear the usual badge of mourning for thirty days.

By command of Brigadier General Wright.

GEORGE H. ELLIOT.

Major of Engineers.

Mr. KILGORE. Mr. Speaker, it has not been the practice of the House to pass bills carrying so large a sum at these Friday evening sessions, and if the House insist on it now it will be a departure from the practice heretofore. It has always been the rule to carry them over to a full House. There is no difficulty about it—

Mr. CUTCHEON. I want to suggest to my friend from Texas that we are getting pretty near the end of the session now; and it would be unfortunate to pass any of these bills over to a full House; because conference reports and other matters will probably intervene to prevent their consideration. Besides, I think you never knew the House to reject one of these cases.

Mr. KILGORE. No, sir.

Mr. CUTCHEON. And undoubtedly the time of the House will be well taken up by other matters.

Everybody knows General G. K. Warren, commander of the old Fifth Army Corps, one of the most distinguished officers of the Army, one of the very bravest of the brave.

Mr. KILGORE. I know that; I came in contact with him a time or two myself. [Laughter.]

But I understand the gentleman to say there will probably be no other Friday evening sessions during this session of Congress—

Mr. CUMMINGS. I hope in view of that fact the gentleman will not object to this bill.

Mr. KILGORE. I have never consented to the passage of any bill of this character on a Friday night session. If I consent to-night I want it understood that it will not be pleaded on me hereafter or that I will be stopped from making objection in the future.

The SPEAKER *pro tempore*. The Chair will suggest that it will not be quoted as a precedent against the gentleman. [Laughter.]

Mr. KILGORE. I hope not, because under all of the circumstances connected with this case I am willing that it shall go through to-night.

The SPEAKER *pro tempore*. If there be no objection, the bill will be ordered to a third reading.

Mr. CHADLE. I do not think that bill should be passed. There ought to be some place where we will stop. This is not a good case to stop on, because the husband of this widow was a most distinguished soldier. But I want to say that it is absolutely wrong, this whole principle of granting such pensions, for the representatives of the people to give to the widow of one man eight times the amount we give to the widow of another. There can be no justification for it. I am told that the other day a pension of \$2,000 a year was voted to a person who is worth \$250,000. That is one special case, and we can all remember the other evening that we pensioned a widow at \$12 per month who had four sons shot to death in the late war, while she herself had been in the poor asylum for twelve years. Now, if the pension of \$30 is not enough to give to the widow of an officer, then increase the amount given by the general law, and stop this special pension legislation, because there can be nothing more inimical to the best interests of the people and that sets a worse class precedent to go down to the future than the precedent based on these special bills giving these large sums to favored classes and confining others to the limited amount fixed by the pension laws.

This is the very worst form of class legislation; and I but repeat the sentiment of every wage-worker in the country when I enter my protest against it. The men who dig the money out of the ground, country and the workmen of the country everywhere, are all opposed to it, and on behalf of myself and the people I have the honor to represent directly, and all the other common people of the country, I enter my protest against the passage of this and all similar bills.

The SPEAKER *pro tempore*. If there be no objection, the bill will be ordered to a third reading.

There was no objection.

The bill was passed.

The SPEAKER *pro tempore*. In the absence of objection, House bill No. 5659, of the same title, will be laid upon the table. The Chair out objection, the Chair will now recognize alternately gentlemen who are present.

Mr. NUTE. Mr. Chairman, it has been customary, I believe, at this point in the proceedings to take up bills on the Calendar. I have made a very careful examination of the Calendar to-day, and I find several cases which I have reported from the committee, only one from my own State, but on behalf of gentlemen from other States ago, and they have been passed over. There are only seven of them, and only one of them calls for any stated sum. That is the case of an army nurse, and the amount is \$12 per month. The others are simply to place the applicants on the pension-rolls subject to the limitations of the pension laws.

Mr. JOSEPH D. TAYLOR. Mr. Speaker, there were about a dozen of us on the last pension evening who remained here until half past 10. Some of us remained faithfully through several similar sessions before, and yet we were not recognized.

Mr. NUTE. This is only the regular order I am calling for. Mr. SAWYER. But there is not one of these men whose bills you have reported who takes enough interest in them to be here.

The SPEAKER *pro tempore*. The Clerk will report the first few bills on the Calendar.

Mr. JOSEPH D. TAYLOR. I object.

Mr. MORRILL. Your objection will not do any good, for this is the regular order. You can not object to the regular order.

Mr. JOSEPH D. TAYLOR. I will agree, Mr. Speaker, not to object, if the gentleman will limit himself to three bills. That will be two more than I have had passed this session.

Mr. NUTE. But this is the regular order.

Mr. MORRILL. Mr. Speaker, I move that the Committee of the Whole be discharged from the further consideration of the several bills now on the Calendar which are about to be reported by the Clerk.

The SPEAKER *pro tempore*. Without objection, it will be so ordered. Is there objection? [After a pause.] The Chair hears none.

CHARLES S. BLOOD.

The first House bill on the Private Calendar was the bill (H. R. 7110) for the relief of Charles S. Blood.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to set aside the findings of the court-martial in the case of Charles S. Blood, late second lieutenant of Company A, Forty-seventh Regiment of Illinois Volunteer Infantry, and to grant him an honorable discharge.

SEC. 2. That said Charles S. Blood be allowed all pay and emoluments to which he would have been entitled had he received an honorable discharge on the date of the muster out of said company and regiment.

The committee recommend to strike out section 2 and add the following proviso to section 1:

Provided, That said Charles S. Blood shall be entitled to no pay or allowances by virtue of this act from the date of his dismissal to the date of the final muster out of his regiment.

The report (by Mr. OSBORNE) is as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 7110) for the relief of Charles S. Blood, have had the same under consideration and submit the following report:

The facts in the case largely appear in the report of the Adjutant-General, submitted herewith and made a part of this report. Charles S. Blood, the petitioner, had been a faithful soldier and officer for nearly two years, and about the 1st of July, 1863, was serving on detached duty away from his command, and at which time he was ordered to report back to his command. While on his way back he found his captain, who persuaded him to remain with him a few days at St. Louis, as he (the captain) was severely wounded and needed his care. Owing to such absence without leave for a period of about four weeks, he was court-martialed and discharged from the service. Your committee believe that the penalty was disproportionate to the offense in view of the mitigating circumstances, and this is borne out by the fact that the Secretary of War made an attempt to set aside the findings of the court, after a careful review of all the facts.

Your committee recommend that the bill be amended by striking out the second section and adding to the first section the following words: "Provided, That said Charles S. Blood shall be entitled to no pay or allowances by virtue of this act from the date of his dismissal to the date of the final muster out of his regiment," and that the bill so amended do pass.

CASE OF CHARLES S. BLOOD, LATE OF FORTY-SEVENTH ILLINOIS VOLUNTEERS. RECORD AND PENSION DIVISION, March 12, 1890.

The records show that Charles S. Blood was mustered in as second lieutenant, Company A, Forty-seventh Illinois Volunteers, to date June 20, 1862, and was dismissed the service in orders of which the following is a copy:

[General Orders, No. 63.]

"HEADQUARTERS DEPARTMENT OF THE TENNESSEE, Vicksburg, Miss., October 14, 1863.

"III. At a general court-martial which convened at headquarters Eleventh Regiment Missouri Infantry Volunteers (Camp Sherman, Miss.), on the 20th day of August, 1863, pursuant to Special Orders, No. 57, of date August 12, 1863, General Buckland, and of which Maj. William Stubbs, Eighth Regiment Iowa Infantry Volunteers is president, was arraigned and tried: Second Lieut. Charles S. Blood, Company A, Forty-seventh Regiment Illinois Infantry Volunteers.

"Specification 1: In this, that he, Charles S. Blood, second lieutenant Company A, Forty-seventh Regiment Illinois Infantry Volunteers, did, on the 29th day of June, 1863, he being on duty at headquarters Third Division, Fifteenth Army Corps, receive a written order from Brigadier-General Tuttle, commanding said division, relieving him from duty at that place and ordering him, the said Blood, to report for duty to the officer commanding his company. That in disobedience of said order he, the said Charles S. Blood, did not so report or rejoin his company, which was at that time at Young's Point, La., but did remain absent from the command until the 10th day of August, 1863. This in the vicinity of Vicksburg, Miss., at the time above given.

"CHARGE 2.—Absence without leave.

"Specification 1: In this, that he, Charles S. Blood, second lieutenant of Company A, Forty-seventh Illinois Infantry, did absent himself, and remain absent from his company and regiment without authority, from the 29th day of June, 1863, to the 10th day of August, 1863. This in the vicinity of Vicksburg, Miss., at the time above given.

"CHARGE 3.—Conduct prejudicial to good order and military discipline.

"Specification 1: In this, that Charles S. Blood, second lieutenant, Company A, Forty-seventh Illinois Infantry Volunteers, did, on or about the 29th day of June, 1863, in defiance of Brigadier-General Tuttle's Special Order No. 36, of that date, to report to his company commander, absent himself without authority from his company, regiment, and the division, and go to the city of Peoria, Ill., and charges and specifications the accused pleaded as follows: To the specification to first charge, guilty. To the first charge, guilty. To the specification to second charge, guilty. To the second charge, guilty. To the specification to third charge, guilty. To the third charge, guilty.

FINDINGS AND SENTENCE.

"The court having maturely considered the evidence adduced in this case find the accused, Second Lieut. Charles S. Blood, Company A, Forty-seventh Regiment Illinois Infantry Volunteers, as follows: Of the specification to the first charge, guilty. Of the second charge, guilty. Of the specification to the second charge, guilty. Of the third charge, guilty. Of the specification to the third charge, guilty. And the court do therefore sentence him, the said Second Lieut. Charles S. Blood, Company A, Forty-seventh Regiment Illinois Volunteer Infantry, to be dismissed the service of the United States and to forfeit all pay and all allowance due him from the 2d day of July, 1863."

"HEADQUARTERS FIFTEENTH ARMY CORPS, Camp on Black River, Miss., September 1, 1863. "The proceedings, findings, and sentence in this case are approved. No amount of good reputation will justify a desertion of duty such as this case exhibits. The officer should be dismissed."

"Major-General Commanding Fifteenth Army Corps. "Findings and sentence approved, and Second Lieut. Charles S. Blood, Company A, Forty-seventh Illinois Infantry Volunteers, accordingly ceases to be an officer of the United States. "By order of Maj. Gen. U. S. Grant.

"T. S. BOWERS, "Assistant Adjutant-General."

On December 7, 1863, and January 28, 1864, petitions were forwarded to this Department, signed by a number of officers of his regiment, praying that Lieutenant Blood be reinstated.

These petitions were referred to the Judge-Advocate-General of the Army, for review, and were returned by that officer, under date of July 12, 1864, with the following report:

"The proof in the case is that the accused maintained an excellent character for good conduct and efficiency as an officer up to the commission of the offense for which he was tried."

"It is shown by the testimony that the accused, being on duty at the headquarters of Third Division, Fifteenth Army Corps, near Vicksburg, Miss., received, on the 29th of June, 1863, an order from Brigadier-General Tuttle, directing him to report for duty to the officer commanding his company, at Young's Point, La. It was also shown that for several days after receiving this order the accused was necessarily engaged in the performance of duties required of him by a previous order; and it appears from his own statement before the court that before he had completed the performance of these duties he received a letter from his father informing him that his mother was extremely ill, supposed to be at the point of death, and was most anxious to see him.

"The accused further states that he had been in the service over two years without visiting home, and that following the impulse produced by his father's letter, he at once started in fulfillment of what he believed to be the dying request of his mother, with the purpose of remaining at home not more than three days; but, learning on his arrival there of the fall of Vicksburg, he remained at home seventeen days.

"Seventeen officers of the First Division, Sixteenth Army Corps, petition the President to reinstate this officer to his former rank and position in the Army, because he has always borne an excellent reputation as a thorough and efficient officer, whether in camp, on marches, or in action, and with the exception of the offense for which he was dismissed he has as clear a record of duties faithfully discharged as any officer need have; that he remained more than six months with his regiment after his trial, always ready and anxious for duty.

"The president and judge-advocate of the court that tried the accused concur with the petitioners in the object of their prayer. These officers state that as no defense was made the court could not do otherwise than it did, but that in their opinion there existed, outside the record, 'at least a good partial defense, and that the accused was not guilty to the extent apparent on the record.'

"Brigadier-General Mower, to whom the case was submitted for information, states that while in his command Lieutenant Blood had, on all occasions, borne an excellent character. He was brave, worthy, and efficient, and was considered one of the best officers of the regiment.

"In view of the mitigating circumstances presented in his case, of his honorable record before trial, and his creditable conduct thereafter, it is believed that the disability imposed on this officer by the sentence of the court may properly be removed."

This report was referred to the Adjutant-General, with the following indorsement:

"WAR DEPARTMENT, July 18, 1864.

"Case of Charles S. Blood, late lieutenant, Company A, Forty-seventh Illinois Volunteers. Respectfully referred to the Adjutant-General.

"The recommendation of the Judge-Advocate-General approved. The necessary orders will be issued removing the disability in his case.

"By order of the Secretary of War.

"JAS. A. HARDIE,

"Colonel and Inspector-General United States Army."

And thereupon on July 20, 1864, the commanding officer of the Forty-seventh Illinois Volunteers, and the governor of Illinois, were notified of the action of this Department in letters of which the following are copies:

"WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE, July 20, 1864.

"SIR: I am directed to inform you that the President has removed the disability resulting from the dismissal of C. S. Blood, formerly a lieutenant in your regiment, and the governor of Illinois has this day been notified of the fact.

"THOMAS M. VINCENT,
"Assistant Adjutant-General.

"COMMANDING OFFICER,

"Forty-seventh Illinois Volunteers.

"(Through headquarters Sixteenth Army Corps.)"

"WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
"Washington, July 20, 1864.

"SIR: By direction of the President of the United States the disability resulting from the dismissal of Charles S. Blood (formerly a second lieutenant in the Forty-seventh Regiment Illinois Volunteer Infantry), by sentence of general court-martial, as promulgated in General Orders, No. 63, Headquarters Department of the Tennessee, October 14, 1863, is hereby removed, and he may be recommissioned should your excellency so desire.

"Very respectfully, your obedient servant,

"THOMAS M. VINCENT,
"Assistant Adjutant-General.

"THE GOVERNOR OF ILLINOIS,
"Springfield, Ill."

Since which date the status of the case has not changed.
Respectfully submitted.

F. H. AINSWORTH,
"Captain and Assistant-Surgeon, U. S. Army.

THE SECRETARY OF WAR.

The amendment recommended by the committee was agreed to. The bill as amended was ordered to be engrossed and read a third time; and being engrossed, was accordingly read the third time, and passed.

CHARLES DUERSON.

The next House bill on the Private Calendar was the bill (H. R. 5583) for the relief of Charles Duerson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Charles Duerson.

The report (by Mr. WILSON, of Kentucky) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5583) granting a pension to Charles Duerson, submit the following report:

Mr. Duerson was a resident of Winchester, Ky., which town was captured by the Confederate forces, and he being a Unionist went to Maysville, Ky., within Federal lines, where he remained several weeks and until the Federal forces started for Mt. Sterling, Ky., where General Humphrey Marshall and his Confederate forces were located, when about one hundred loyal citizens, Mr. Duerson

being one of them, formed themselves into a company, and were furnished horses and arms and attached themselves to the Fourteenth Kentucky Cavalry, but were not then mustered into the United States service.

When within a few miles of Mt. Sterling, while the command was in ranks and on the march and in line of duty, a gun was accidentally discharged in the ranks and the whole load of buck and ball passed through Duerson's left leg, from which he was confined several weeks and by which he was disabled so long he did not rejoin the said regiment to be mustered. He was in discharge of military duty when wounded and was under arms in line of duty, and although his case is not covered by the pension laws, yet your committee find precedents for placing Mr. Duerson on the pension-rolls, and therefore report the bill back with the recommendation that it pass.

The bill was ordered to be engrossed and read a third time; and being engrossed, was accordingly read the third time, and passed.

MARIA T. LEE.

The next business on the Private Calendar was the bill (H. R. 4238) pensioning Maria T. Lee.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Maria T. Lee, dependent mother of Wilbur P. Lee, late of Company F, One hundred and twenty-sixth Illinois Volunteer Infantry.

The report (by Mr. MORRILL) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4238) granting a pension to Maria T. Lee, submit the following report:

The basis of this claim is the service and death of claimant's son, Wilbur P. Lee, a private in Company F, One hundred and twenty-sixth Illinois Volunteers, who died in hospital at Helena, Ark., September 18, 1863, of typhoid fever, and the dependence of the mother.

Her claim was rejected on the ground that since the date of the filing of her claim she has not been dependent upon the soldier for her support, for, as shown by the evidence she and her husband in 1860 conveyed to their son, William H. Lee, a farm, in consideration of which their said son at that time entered into a contract to support claimant and her husband during their lifetime.

The evidence in the case shows that at the time of the soldier's enlistment his father was a superannuated preacher, about fifty-six years old, residing with claimant upon a farm near Hillsborough, Ill. With the assistance of the members of his family he carried on the farm. In 1864 claimant bought a farm near that place, and she, with her husband, removed to and lived upon their farm from that time to 1877, when they sold out in Illinois and removed to Sumner County, Kansas, where they bought a farm, costing \$1,700, and conveyed the same to their son, William H. Lee, in consideration of which he entered into an agreement for the support of claimant and her husband during their natural lives.

The evidence shows that the son furnished a very limited and inadequate support of the parents, and since October, 1889, has failed entirely to support them, and they have lived upon small contributions and the benevolence of friends.

The husband is feeble and unable to do any kind of labor. The parents are very poor, in fact have no property of any kind, and are getting old.

In view of all the facts your committee recommend the passage of the bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, was accordingly read the third time, and passed.

W. B. CLOER.

The next business on the Private Calendar was the bill (H. R. 7107) granting a pension to W. B. Cloer, late private in Company L, D. Storm's Arkansas militia.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of W. B. Cloer, late private Company L, D. Storm's company Arkansas militia, on the pension-rolls, subject to the conditions and restrictions of the pension laws of the United States.

Mr. KILGORE. Mr. Speaker, I can not understand how a member of the Arkansas militia is entitled to be put on the pension-roll.

Mr. MORRILL. He was wounded, and we have just passed a bill for the widow of a man who was in the Missouri militia who was shot.

The SPEAKER *pro tempore*. The Chair will suggest that in many instances militia soldiers were called into the service of the United States and while so serving received injuries.

Mr. KILGORE. Let us have the report.

The report (by Mr. GOODNIGHT) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7107) granting a pension to W. B. Cloer, submit the following report:

W. B. Cloer was a member of the Arkansas State militia, organized at Fayetteville, Ark., under orders of the United States military authority, January, 1864. While in the line of duty, under Capt. Leroy D. Stone, the pensioner was severely wounded in the head, left shoulder, and arm by gunshot fired by the enemy.

That his injury is permanent and in the left arm and shoulder almost total. That the soldier was treated for these wounds by a surgeon of the United States Army, H. J. Manard, at Fayetteville, Ark., from June till in the fall of 1864, when he was discharged from the service on account of these wounds and permanent disability therefrom. All of which appears by proof of captain and surgeon and disinterested evidence. That soldier is needy and disabled to large degree.

Your committee therefore think this a meritorious case and recommend the passage of the bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

MATTHEW C. GRISWOLD.

The next business on the Private Calendar was the bill (H. R. 6196) granting an increase of pension to Matthew C. Griswold.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Matthew C. Griswold, late a first lieutenant of Company L, Twentieth New York Cavalry, to \$30 per month, the same to be in lieu of the pension he is now receiving.

The report (by Mr. SAWYER) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6196) granting an increase of pension to Matthew C. Griswold, have considered the same and report:

The claimant is pensioned for disease of lungs, phlebitis, and disease of kid-

neya, at the rate of \$17 per month. He was a first lieutenant in Company I, Twentieth New York Cavalry.

Doctors Leroy J. Brooks, H. H. Beecher, and George W. Avery, all prominent physicians at Norwich, N. Y., and a number of other prominent citizens of the same place, testify that his diseases have reached such a stage as to incapacitate him for the performance of any manual labor.

Both his legs are covered with patches and varicose veins which render him lame and unable to labor while standing, and he is severely disabled by chronic bronchitis.

He filed an application for increase in the Pension Bureau, but the same was rejected March 21, 1889, the examining surgeons not having fixed a higher rating than that at which he is now pensioned.

Accompanying the bill is the testimony of Dr. D. M. Lee, late an assistant surgeon Twenty-second New York Volunteer Cavalry, which shows that the claimant is a sufferer from phthisis pulmonalis and that tubercular deposits and pleuritic adhesions exist in a marked degree. The doctor testifies, further, that the claimant also suffers from valvular disease of the heart, which probably results from the disease of the lungs, and that the veins of his legs are extensively varicose. These diseases, in the doctor's opinion, wholly and totally disable the claimant for the performance of any manual labor.

The testimony of Dr. Lee is corroborated in every respect by the testimony of Dr. Daniel J. Mosher and by an additional affidavit of Dr. Leroy J. Brooks.

It will be noted that opposed to the rating allowed by the examining surgeons is the testimony of five physicians, viz, Lee, Mosher, Brooks, Beecher, and Avery, all of whom know the claimant personally and are competent judges as to the extent of his disabilities. These physicians swear in positive terms that the claimant is so disabled as to be incapacitated for the performance of any manual labor.

In view of the facts set forth above, your committee are of the opinion that the increase of pension contemplated by this bill should be granted, and the bill is therefore reported back with the recommendation that it do pass.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

NATHAN G. BROWN.

The next business on the Private Calendar was the bill (H. R. 8925) granting a pension to Nathan G. Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place upon the pension-roll of the United States the name of Nathan G. Brown, the dependant father of Edwin F. Brown, late a private in Company A, in the Eighth New York Heavy Artillery, and to pay him a pension of \$12 a month, subject to the provisions and limitations of the pension laws.

The report (by Mr. SAWYER) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8925) granting a pension to Nathan G. Brown, submit the following report:

That the claimant is the father of Edwin F. Brown, late a private in Company A, Eighth New York Heavy Artillery.

The records of the Adjutant-General's Office show that the son was enrolled in said company July 21, 1862; that he was captured at Ream's Station August 25, 1864; taken to Richmond August 27, 1864; transferred to Salisbury, N. C., October 9, 1864, where he died January 3, 1865, leaving no widow or child.

The evidence filed with your committee shows that the claimant is now nearly seventy years of age, poor, depending upon his labor as a blacksmith for his support. He has made no application for a pension because of his inability to show dependence upon his son at the time of his death, he then being a boy sixteen years of age.

Your committee recommend that the bill do pass.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

MARGARET CONSTABLE.

The next business on the Private Calendar was the bill (H. R. 5717) for the relief of Margaret Constable.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Margaret Constable, widow of Capt. David C. Constable, late of the revenue-marine service of the United States, who was wounded in action on the James River in 1862, at the rate of \$50 per month.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

Mr. KILGORE. I think there ought to be some explanation of this. Let us have the report.

The report (by Mr. SAWYER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5717) granting a widow's pension to Margaret Constable, submit the following report:

The claimant is the widow of David C. Constable, who became a lieutenant in the United States revenue marine service in 1852, was commissioned a captain in 1862 by President Lincoln "for gallantry in action," and who died at Ugdensburg, N. Y., September 29, 1888.

On May 15, 1862, he was in command of the United States revenue marine steamer A. E. Stevens (also known as the Yangtuck), which vessel was at that time co-operating with the Navy on the James River, Virginia, under Commander John Rodgers, United States Navy. Acting under orders from Commander Rodgers, Lieutenant Constable made an attack on the Confederate battery at Ward's Hill, near Richmond, Va., May 15, 1862, and during said engagement he received an injury from the bursting of a Parrott gun on his vessel, resulting in concussion of the brain, which injury permanently impaired his health and ultimately caused his death.

For gallantry in action in the above engagement he was, on May 29, 1862, personally presented by President Lincoln with a commission as captain, which is referred to in a letter of commendation from Secretary Chase of same date, and was given a year's leave of absence to recover his health, if possible, from the effects of said injury. The evidence shows that this officer was under treatment on account of this injury from the date of injury up to the time of his death.

The widow of Captain Constable now prays that Congress will grant her the relief which she would not be able to obtain through the Pension Office (no papers having been filed), owing to the fact that her late husband was an officer of the revenue-marine service and therefore not entitled to a pension under the general law.

The bill to be amended, however, by striking out the word "fifty" and inserting in the place thereof the word "thirty."

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed, and read a third

time; and being engrossed, it was accordingly read the third time, and passed.

MARY ROBINSON.

The next business on the Private Calendar was the bill (H. R. 6048) granting a pension to Mary Robinson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary Robinson, of South China, Me., widow of Timothy Robinson, late of Company G, of the Twenty-eighth Regiment of Maine Volunteers.

The report (by Mr. NUTE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6048) granting a pension to Mary Robinson, submit the following report:

This is a widow's claim which was rejected by the Pension Department on the ground that the death of claimant's husband, Timothy Robinson, was not directly due to disease contracted in the service. It appears from the records that said Timothy Robinson enlisted in Company G, Twenty-eighth Maine Volunteers, September 19, 1862, and was mustered out August 2, 1863. Re-enlisted February 9, 1865, in Twelfth Maine and served until March 3, 1866, when he was mustered out with his company.

At the time of his death he was drawing a pension for "malarial poisoning and disease of kidneys, also affection of heart, result of malarial poisoning," as shown by certificate of Doctors Martin and Lapham, United States examining surgeons, of Augusta, Me., dated February 16, 1867. Dr. F. C. Perkins, of China, Me., who attended the soldier in his last sickness, in an affidavit dated June 26, 1889, says:

"I hereby certify that Timothy Robinson died January 17, 1889. The cause of his death was extravasation of blood into the substance of the brain, resulting in complete hemiplegia. * * * And judging from the condition in which I found him I have no doubt but what the hemorrhage was the result of the fatty degeneration of the vessels caused by malaria."

The following statement, signed by fourteen members of J. P. Jones Post, No. 106, G. A. R., South China, Me., clearly sets forth the needs and claims of the claimant:

"Mrs. Robinson is a lady nearly seventy-four years of age, almost entirely destitute of any means of support, her health very poor, and broken-down constitution. She is able to do but very little work of any kind. We consider her claim for a pension surpassed by few, considering her age and means of support, and taking into account that a husband, three sons, and four brothers went to the front, all as volunteers, and four of this number fell in battle."

"We saw Mr. Robinson once or twice each day during his sickness, and know that he suffered very much from his army troubles, which were a kidney trouble and malarial poisoning, for which he was pensioned. Although in his last days of life he was stricken with paralysis, yet we are of opinion that the direct cause of his death was his army troubles, and as there was no examination after death we think the widow's claim should never have been rejected because paralysis was among the list of ailments in his last moments."

In view of the evidence submitted the committee are of the opinion that the claim is a just one, and recommend that the bill do pass.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

LYDIA HOOD.

The next business on the Private Calendar was the bill (H. R. 9132) granting a pension to Lydia Hood.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, at \$12 a month, the name of Lydia Hood, of Chelsea, Vt., mother (by adoption) of Hollis H. Hood, late of Company I, Tenth Vermont Volunteers.

The report (by Mr. NUTE) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9132) granting a pension to Lydia Hood, submit the following report:

The evidence in this case shows the following facts: Lydia Hood is an old and well known resident of Chelsea, Vt.; her husband was a feeble man, who long ago left her a widow, and she has never remarried.

Before the war she and her husband took into their family a male child a few months of age, whose name was not known. If it had, and they called the child Hollis H. Hood and brought him up as if he were their own child, gave him an education, and in all ways treated him like a son of their own. He was the only male child in their family and was much depended upon by the mother, who looked to him for support in her declining years.

At the breaking out of the war he enlisted as a private in Company I, Tenth Vermont Volunteers, being eighteen years old.

The soldier died in the service from measles followed by fever, near Brandy Station, in February, 1864.

While this soldier was in the service he signed over to his mother his bounty and State pay, and after his death the chaplain wrote his mother that his strongest desire to live seemed to be on his mother's account.

Lydia Hood applied at Pension Office for pension as dependent mother of this soldier and claim was rejected because she was not the natural mother of said soldier.

She is now ninety-three years old and is so destitute that the town authorities find it necessary to make provision for her partial support.

She is shown to be entirely worthy and in needy circumstances and to have taken this soldier and reared and cared for him from a babe till he became a volunteer in the service of his country. She christened him in her own name and under that name he served and died, and the committee, to whom this bill was referred, think she ought not to be deprived of pension because she was not his natural mother.

We recommend that the bill do pass.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

NANCY M. GROSS.

The next business on the Private Calendar was the bill (H. R. 6809) granting a pension to Nancy M. Gross.

The bill was read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Nancy M. Gross, who was a nurse in the Second and Sixth Maine Regiments, 1861 and 1862.

The report (by Mr. NUTE) is follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6809) granting a pension to Nancy M. Gross, submit the following report:

The claimant, Mrs. Nancy M. Gross, asks that a pension may be granted her in consideration of her services as nurse in the war of the rebellion. The claimant states that she enlisted as a nurse at Bangor, Me., June, 1861, under the name of Nancy M. Atwood; was assigned to the Sixth Regiment Maine Volunteers; accompanied said regiment to Portland, Me., and thence about the 17th of July, 1861, to Washington, thence to Chain Bridge, Maryland. October 10 was transferred to the Second Maine Regiment, then at Hall's Hill, Virginia.

Late in the spring of 1862 she was transferred to Washington, D. C., and then detailed by Miss Dix for work on the peninsula, around Yorktown, Va., but was obliged to resign on account of illness, and returned to Maine in the summer of 1862. In 1864 she was a nurse in the Gymnasium Hospital at Bangor, Me. Her husband, Stover P. Gross, late sergeant of the Second Maine, is a pensioner for wounds received at Malvern Hill in 1862, and is unable, with his increasing infirmities, to support himself and dependent family, and in the near future will require the constant attention of his wife.

H. P. Crowell, of Bangor, Me., late sergeant in Second Maine, certifies: "I have been acquainted with Mrs. Nancy M. Gross, formerly Nancy M. Atwood, for thirty years. In the fall and winter of 1861-'62, she was hospital nurse in the Second Maine Regiment, and was highly respected by the officers and men, especially the sick, to whom she rendered valuable aid, sparing no pains for their comfort and welfare."

Vigil P. Wardwell, first lieutenant, Company E, Sixth Maine Volunteers, certifies:

"Nancy M. Atwood went out with us as a nurse. She was with the regiment all the time I was with them. I positively know that she was held in the highest esteem by the officers and men as a woman, and as a nurse she was regarded as most excellent."

Charles W. Roberts, late colonel Second Regiment Maine Volunteers, certifies: "I am personally acquainted with Mrs. Nancy M. Gross, formerly Mrs. Nancy M. Atwood. In the years 1861 and 1862 she did effective service as a nurse in my regiment, and was very highly esteemed by the officers and men of my command."

Hon. Hannibal Hamlin states as follows: "I have no personal knowledge of the services of Mrs. Gross, but my acquaintance with her enables me to know she is an excellent and worthy woman, and I cordially recommend her as worthy of a pension."

In view of the evidence submitted, the committee is of the opinion that the claim is a just one and recommend that the bill do pass, amended, however, by adding after the words "sixty-two," in line 8, the words "and pay her a pension at the rate of \$12 per month."

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SYLVANUS B. DORSETT.

The SPEAKER *pro tempore*. The Speaker of the House has a bill that he would be very glad to have considered. Without objection, the Chair will lay it before the House.

There was no objection.

The bill was read as follows:

A bill (H. R. 11575) granting a pension to Sylvanus B. Dorsett.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Sylvanus B. Dorsett, dependent father of John Dorsett, late private in Company G, Ninth United States Infantry, killed September 13, 1847, at the battle of Chapultepec, at the rate of \$12 a month.

The report (by Mr. DE LANO) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 11575) granting a pension to Sylvanus B. Dorsett, have considered the same and report as follows:

John Dorsett, the claimant's son, enlisted on the 23d of March, 1847, in Company C, Ninth United States Infantry; transferred to Company G, same regiment. He was killed in action at Chapultepec, Mexico, September 13, 1847.

In his petition for relief the claimant, Sylvanus B. Dorsett, declares that he is the father of the above-named soldier, and that he is aged and infirm, having been born June 7, 1802. He further declares that he lives alone, has no means of support, and is dependent entirely upon charity.

His post-office address is Silgo Falls, Cumberland County, Maine. Edwin R. Wingate, Gideon M. Tucker, Frank A. White, and twenty other citizens of claimant's vicinity vouch for the truthfulness of the claimant's statements and ask that the claimant be granted a pension.

No pension on account of the service and death of the soldier, John Dorsett, has ever been granted to any one.

The act of Congress passed at the present session, providing among other things for a pension to the dependent parents of the deceased soldiers of the war of the rebellion, does not include within its scope the aged and dependent parents of soldiers of prior wars, and the only way of affording this claimant the relief he stands in so much need of is by special act.

The passage of the bill is recommended.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The SPEAKER *pro tempore*. The Chair will now recognize gentlemen to call up bills for consideration.

MRS. MARGARET WALKER.

Mr. STOCKBRIDGE. I call up for present consideration the bill (H. R. 11635) to pension Mrs. Margaret Walker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Mrs. Margaret Walker, late an army nurse, and to pay her a pension of \$12 a month. SEC. 2. That this act shall take effect from the date of its passage.

The report (by Mr. MARTIN, of Indiana) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 11635) granting a pension to Mrs. Margaret Walker, submit the following report:

The claimant in this case was an army nurse who served for sixteen months, twelve or fourteen of which she was at the Camden Street Hospital, in Baltimore, and the remainder of the time at the Jarvis General Hospital, Baltimore. These facts are shown by the affidavit of Josephine R. Guy, and in part also by a letter

written in September, 1862, by Dr. John Dickson, the acting assistant surgeon at the said Camden Street Hospital.

It is further shown by the affidavit of one Sarah H. Clark, who is the present landlord of the claimant, and also by the affidavits of others, that the claimant is now in her ninety-first year and that she is dependent for support upon her daughter, who supports her by sewing. Thus the facts of faithful service for more than one year, her advanced age and dependence being established, the committee recommends that the bill, which proposes to give her a pension at the rate of \$12 a month from and after the passage of the act, do pass.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN CASSIDY.

Mr. CUMMINGS. I ask for the present consideration of the bill (H. R. 11996) for the removal of the charge of desertion from the record of John Cassidy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to cause the records to be so amended as to remove the charge of desertion from the naval record of John Cassidy, late an ordinary seaman on the United States ship Vandalia, and grant him an honorable discharge, dated June 20, 1865.

The report (by Mr. WALLACE, of New York) is as follows:

The Committee on Naval Affairs, to whom was referred the bill (H. R. 11996) for the removal of the charge of desertion from the record of John Cassidy, respectfully report that they have given the matter due consideration and find that the said John Cassidy enlisted December 22, 1864, while under age, assuming the name of John Cummings, he having been rejected under his own name as a minor, and served faithfully until June 20, 1865, on board the United States ships Lenape and Mackinaw, off Fort Fisher, at the taking of Wilmington, N. C., and afterwards up the James and Appomattox Rivers.

When the war closed the Mackinaw was sent north to Portsmouth, N. H., and went out of commission in June, 1865; Cassidy, with others, was transferred to the United States steamship Vandalia, and on June 20 was given one month's leave on shore. Under the impression that the enlistment was for three years or until the war had closed, and the war having closed, Cassidy, who had found employment in Brooklyn, did not return to the Vandalia at the expiration of his leave. Cassidy's case falls outside the provision of the act of Congress approved August 14, 1863, "for the relief of certain appointed or enlisted men of the Navy," etc., only by less than two months in time of service.

We would also direct attention to the fact that Cassidy was only eighteen years of age at the time of his technical desertion. He has since then led an industrious and exemplary life and is a respected citizen of Brooklyn and an esteemed business man of New York City. For the sake of his children, especially, he is desirous of having the record of desertion removed, and your committee recommend that the bill do pass.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM CLAWSON.

Mr. FLICK. I ask for the present consideration of the bill (S. 1971) for the relief of William Clawson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, directed to enter the name of William Clawson as a private of Company I, Fourth Regiment of Iowa Volunteer Infantry, upon the rolls of said company, mustered into the service August 2, 1861, and honorably mustered out August 8, 1863, and to issue to him an honorable discharge accordingly; and said Clawson shall be paid all the pay, allowances, and bounties due a soldier regularly serving in said company between the dates aforesaid.

The report (by Mr. DOLLIVER) is as follows:

The Committee on War Claims, to whom was referred the bill (S. 1971) for the relief of William Clawson, having considered the same, report as follows:

Your committee adopt the report, hereto annexed, from the Committee on Military Affairs of the Senate of the present Congress, and report back the bill and recommend its passage.

[Senate Report No. 747, Fifty-first Congress, first session.]

The Committee on Military Affairs, to whom was referred the bill (S. 1971) for the relief of William Clawson, having considered the same, report as follows:

The facts of this case, as shown by the sworn petition of William Clawson, supported in all material respects by a number of affidavits of members of Company I, Fourth Regiment Iowa Volunteers, are these:

Clawson enlisted as a private in that company on the 2d day of August, 1861, and was sworn into service by its captain; but the mustering officer refused to muster him because he thought Clawson had consumption, which proved to be a mistake. Clawson with the consent of the captain, remained with the company and did regular service and participated in every action in which his command was engaged, including the siege of Vicksburg, until the 8th of August, 1862, when his captain resigned and he left the company, having, in the meantime, contracted disease in the service. The fact of his service between the dates named is clearly established, and although his name is not borne on the rolls of the company on file in the War Department, the actual service he performed seems to entitle him to relief.

Your committee recommend that the bill be amended as indicated below, and when so amended that it pass.

Amend by striking out all after the enacting clause and inserting the following:

"That the Secretary of War be, and he is hereby, directed to enter the name of William Clawson as a private of Company I, Fourth Regiment of Iowa Volunteer Infantry, upon the rolls of said company, mustered into the service August 2, 1861, and honorably mustered out August 8, 1863, and to issue to him an honorable discharge accordingly; and said Clawson shall be paid all the pay, allowances, and bounties due a soldier regularly serving in said company between the dates aforesaid."

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARY JANE MARTIN.

Mr. KILGORE. I call up for consideration the bill (H. R. 11987) to pension Mary Jane Martin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Mary Jane Martin

of the city of Washington, in the District of Columbia, widow of Andrew Martin, deceased, late a private in Capt. James P. Barker's company of Colonel Smith's regiment Pennsylvania Volunteers, Indian war of 1837, and pay her a pension at the rate of \$20 per month.

The report (by Mr. DE LANO) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 11987) granting a pension to Mary Jane Martin, have considered the same and report as follows:

The claimant's late husband, Andrew Martin, deceased, was enrolled October 31, 1837, at Philadelphia, Pa., a private in Capt. J. P. Barker's company, First Regiment Pennsylvania Militia, for six months, and is reported on company muster-out roll, dated May 23, 1838, at New Orleans, La., "discharged at Fort Brooks," date and cause not stated.

John W. Thompson and William P. Allan testify that they are personally acquainted with Mary Jane Martin, widow of Andrew Martin, and know that she is about fifty-nine years old, and without any property or income; also that she is entirely dependent upon friends and relatives for support, except such as she may earn by her own labor.

There are many precedents for pensioning the needy widows of the soldiers of the old Indian wars, and your committee therefore return the bill with a favorable recommendation.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

AMANDA E. PARKIS.

Mr. BELKNAP. I call up for present consideration the bill (H. R. 11064) granting a pension to Amanda E. Parkis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Amanda E. Parkis, widow of Elias Parkis, late of Company A, Eighth Michigan Infantry, on the pension-roll, subject to the provisions and limitations of the pension laws.

The report (by Mr. BELKNAP) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 11064) granting a pension to Amanda E. Parkis, submit the following report:

Claimant was the wife of Elias Parkis, private Company A, Eighth Michigan Infantry, and who died in 1863 during the siege of Fredericksburg, Va., from disease and exposure. She was pensioned as the widow of this soldier until her marriage with one O. C. Goodrich, with whom she lived until the year 1877, and was then divorced from him on the grounds of extreme cruelty, since which time she has been dependent upon her own daily labor for her living. From the best information in possession of your committee it is clear that she has no means of support other than her daily labor and is truly dependent upon others much of the time.

As it is customary to renew pensions of this nature, your committee recommend the passage of the bill.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN S. FERGUSON.

Mr. GEAR. I call up for consideration the bill (H. R. 9767) granting an increase of pension to John S. Ferguson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll John S. Ferguson, of Keokuk, Iowa, late of Company F, Twenty-eighth Regiment of Iowa Volunteer Infantry, and pay him a pension of \$80 a month, in lieu of \$36 a month now allowed said Ferguson for disability arising from loss of right arm at the elbow, partial deafness from concussion, and the shell wound received by him on April 8, 1864, in the battle of Sabine Cross-Roads, Louisiana.

Mr. KILGORE. Let the report be read in that case.

The report (by Mr. FLICK) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9767) granting a pension to John S. Ferguson, submit the following report:

Ferguson was a soldier of Company F, Twenty-eighth Iowa Infantry, and was desperately wounded at the battle of Sabine Cross-Roads by a shell that exploded in close proximity to him.

His right arm was lacerated, necessitating amputation thereof above the elbow; he was wounded in the right knee, shot through the left side of the face, blinding left eye and almost wholly destroying the hearing of left ear, and one piece of shell wounded left elbow, injuring the bones of the arm; another piece entered the left side of his neck and is now under the left shoulder blade, causing constant pain so that he carries his arm in a sling and it is rendered almost useless. He is pensioned at \$36 per month and now asks for \$80 per month.

His claim for total disability was rejected by the Pension Bureau on the ground that he did not require the "constant aid of another person." He can walk about, is unable to dress himself, is a constant sufferer, a physical wreck. Your committee, having carefully examined the evidence submitted and also examined the wounds on the person of the applicant, believe that this is an exceptionally meritorious case and that the beneficiary is entitled to a pension for total disability, and therefore recommend that the bill be amended by striking out the words "sixty dollars" in the seventh line thereof and inserting "72," and that when so amended said bill pass.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MICHAEL MESKELL.

Mr. TRACEY. I call up for consideration the bill (H. R. 17) to remove the charge of desertion from the record of Michael Meskell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he hereby is, authorized and directed to cause the records of the Navy Department to be so amended as to remove the charge of desertion from the service record of Michael Meskell, late a seaman on the United States ship *Poconahontas*, and to grant an honorable discharge to the said Michael Meskell as of the date of July 30, 1865.

The report (by Mr. DOLLIVER) is as follows:

Your committee, to whom was referred the bill (H. R. 17) to remove the charge of desertion from the record of Michael Meskell, find from the papers submitted that the said Meskell enlisted in the United States Navy on March 20, 1865, and served as an ordinary seaman on board the United States ship *Poconahontas*. On the arrival of the vessel at New York, in July, Meskell went on shore without

leave, with no intention to desert, and before the expiration of twenty-four hours he voluntarily returned to report for duty, but his name having already been recorded as a deserter permission to return to duty was refused him.

The reason assigned by Meskell for his temporary absence from the ship was that his sister and brother, whom he had not seen in many years, had just arrived in New York, and with whom he spent the day, and he states that he had not the least idea that his short absence from the vessel under these circumstances was such a breach of discipline that was to be so severely punished. If he had he would not have gone on shore. It also appears that Meskell exerted every effort to have the stigma hanging over him removed, in which he was supported by a numerous signed petition of the citizens of West Troy, N. Y., all of whom bore testimony as to his good character and worth. Since the pending bill for the relief of Meskell has been under consideration the applicant has died, leaving a large family, eight children, in whose behalf his surviving widow appeals that the charge of desertion may be removed for the benefit of his children. In view of these facts your committee believe that the charge of desertion should be corrected, and we accordingly recommend that the bill do pass.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JANE BOSWELL MOORE BRISTOR.

Mr. BAKER. I call up for consideration the bill (H. R. 6392) granting a pension to Jane Boswell Moore Bristor.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to place upon the pension-roll the name of Jane Boswell Moore Bristor, a field-hospital nurse during the late war, at the rate of \$25 per month.

The report (by Mr. MORRILL) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6392) granting a pension to Jane Boswell Moore Bristor, submit the following report:

Mrs. Jane Boswell Moore Bristor, of Baltimore, Md., at the commencement of the late war was residing with her mother in Baltimore. They immediately began visiting the hospitals that were improvised in that city, and continued in that work until the battle of Antietam, when they began active operations in the field in visiting field hospitals and caring for the sick and wounded. Their time was divided from this time until the close of the war between nursing in the field hospitals and gathering supplies and valuable donations from the Northern States, taking them to the front in person and distributing them.

Mrs. Bristor was a correspondent for a number of religious and secular periodicals from the Northern States, and by this means great quantities of donations were forwarded to her address in Baltimore, where her residence was turned into a store-house, where articles were prepared and taken to the front and distributed by their own hands.

For days at a time they would be ministering to the sick and wounded of both armies upon the battle-field, unsheltered from the inclement weather that generally followed great battles, sleeping at night in the small tents, that they might continue their work early in the morning.

The exposures incident to all of this work resulted in loss of health to Mrs. Bristor, the acquiring of painful and incurable disease of the kidney, and partial blindness. In their missions of mercy they spent a month at Taylor Hotel Hospital, Winchester, Va., among malignant forms of fever, and among the wounded of Chancellorsville, and a month among the sufferers at Gettysburg, staying upon the field during this time; some three months before Petersburg and on the Appomattox, where Mrs. Bristor was prostrated with fever for some weeks. They spent six months in the field, and especially among the wounded of Cedar Creek, after General Sheridan was in command. After the occupation of Richmond ten weeks were spent in ministering to the sick and wounded soldiers.

All this time they were receiving supplies, and materials were being forwarded to them by charitable associations of the Northern States. They carried mail to and fro, were intrusted with large sums of money by soldiers at the front to convey to a place of safety, when it was expressed in accordance with their directions. During the entire war neither Mrs. Bristor nor her mother was connected with any organization, aid society, commission, or association whatever. They did not receive a dollar for their services from any quarter, nor were they employed at any time by the Government or its agents. The Government furnished them teams at different times, but they paid their entire expenses.

All of these facts are thoroughly established by the very highest authority. Letters are filed vouching for these facts by Rev. J. G. Morris, D. D., a Lutheran minister; Professor Conrad, editor of the Philadelphia Lutheran Observer; Rev. E. J. Drinkhouse, editor of the Methodist Protestant, Baltimore; Rev. Dr. McCabe, corresponding secretary of the mission rooms of the Methodist Episcopal Church, of New York; Rev. William H. Boole, of New York, pastor in the Methodist Episcopal Church; G. A. Griffith, late president of the Maryland United States Christian Mission; Dr. J. W. Chambers, M. D.; Thomas Ople, M. D.; Julius Chisolm, M. D.; Russell Murdock, M. D.; George Ruling, M. D.; H. C. Graham, M. D.; John Dixon, M. D.; also original letters and orders addressed to her while engaged in this service from President Lincoln, Generals Grant, Meade, Hancock, Sheridan, Hooker, Schenck, Smith, Burnside, Wallace, Crook, Emory, Terry, Governor Pierpont, Colonel Strother, Dr. Brock, Chaplain Collins, Rev. P. S. Boyd, Rev. Dr. M. Jilton, Captain Todd, Colonel Shaffer, and many others. All of which clearly establish the facts set forth.

Mrs. Bristor is now in extremely poor health, caused by her army service, as proven by the evidence of the physicians above mentioned, and has lost her property and is in poor financial circumstances, absolutely needing the assistance this pension would grant her.

Your committee recommend that the bill pass.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MRS. FREDERIKA B. JONES.

Mr. FLOWER. I call up for consideration the bill (H. R. 3174) granting a pension to Mrs. Frederika B. Jones.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Frederika B. Jones, widow of the late Brig. Gen. Roger Jones, on the pension-roll, and pay her a pension at the rate of \$100 per month from and after the passage of this act.

The report (by Mr. BROWNE, of Virginia) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 3174) granting a pension to Mrs. Frederika B. Jones, have had the same under consideration, and find that she is the widow of the late Brig. Gen. Roger Jones, who served with great distinction in the late war of the rebellion.

The following letters and extracts from newspapers describe the advance-

ment of this officer on account of his gallantry, especially in the destruction of the arsenal at Harper's Ferry, during the late war:

WAR DEPARTMENT, April 22, 1861.

MY DEAR SIR: I take pleasure in apprising you that in consideration of your very skillful and gallant conduct at Harper's Ferry, I have ordered a commission to be issued to you as assistant quartermaster-general, with the rank of captain.

Lieut. ROGER JONES.

SIMON CAMERON, Secretary of War.

WAR DEPARTMENT, Washington, April 22, 1861.

MY DEAR SIR: I am directed by the President of the United States to communicate to you, and through you to the officers and men under your command at Harper's Ferry armory, the approbation of the Government of your and their judicious conduct there, and to tender you and them the thanks of the Government for the same.

I am, sir, very respectfully,

SIMON CAMERON, Secretary of War.

Lieut. ROGER JONES,
Late Commanding at Harper's Ferry.

CAPT. ROGER JONES, THE HERO OF HARPER'S FERRY.

[Written for The Telegraph.]

In the excitement of the present difficulties I hope the important services of Capt. Roger Jones, the hero of Harper's Ferry, will not be forgotten. In command at Harper's Ferry, one of the most important stations and arsenals in the country, and learning through pickets, that he had thrown out for miles, that a large body of Virginians were coming to attack him, to secure the large number of minie and other muskets that were there, he notified the Government. They did not see proper to re-enforce him. Without orders he made preparation to blow up the building containing the arms, and in fact workshops and all, to defeat the purpose of the secessionists, the capture of the Government arms at that place.

It is now generally admitted that had they secured the arms at Harper's Ferry they would have attacked Washington, first having secured the co-operation of the secessionists of Baltimore and Maryland. At that time Washington was at the mercy of an invading Southern army. There were over twenty thousand stand of the most approved arms at Harper's Ferry at that time. The secessionists at Harper's Ferry were spies on Captain Jones, and every movement of his was watched and reported. He distributed the powder throughout the buildings by a trick. He carried kegs of powder in the chaff-bags of the soldiers, circulating that he was changing the quarters of the soldiers. When his scouts had announced to him that over three thousand Virginians were advancing, and were within 2 miles of the place, he and his little band fired the trains and destroyed the arms and buildings and retreated toward Chambersburg. How effectually he succeeded is well known.

If Captain Jones had acted like the great majority of Southern officers, what an incalculable amount of mischief he would have done. It was expected, as is now positively known, that Harper's Ferry would yield without a struggle and that the arming of the secessionists would be accomplished. Captain Jones is a son of General Jones, formerly Adjutant-General of the Army. His parents and all his relations are Virginians. He is a cousin of Colonel Lee, now in the command of the Virginia forces.

CARLISLE BARRACKS, PA., April 20, 1861.

SIR: Immediately after finishing my dispatch of the night of the 19th instant I received positive and reliable information that 2,500 or 3,000 State troops would reach Harper's Ferry in two hours from Winchester, and that the troops from Halltown, increased to 300 men, were advancing and were at that time (few minutes after 10 o'clock) within twenty minutes' march of the Ferry.

Under these circumstances I decided the time had arrived to carry out my determination as expressed in the dispatch above referred to, and accordingly gave the order to apply the torch. In three minutes or less both of the arsenal buildings, containing nearly 15,000 arms, together with the carpenter's shop, which was at the upper end of a long and connected series of workshops of the armory proper, were in a complete blaze.

There is every reason for believing the destruction was complete.

After firing the buildings I withdrew my command, marching all night, and arrived here at 2.30 p. m. yesterday, where I shall await orders. Four men were missing on leaving the armory and two deserted during the night.

Respectfully, I am, sir, your obedient servant,

R. JONES,

First Lieutenant R. M. Eiflemen, Commanding Department Recruits.

THE ASSISTANT ADJUTANT-GENERAL,
Headquarters of the Army, Washington, D. C.

A copy respectfully furnished the Assistant Adjutant-General, headquarters of the Army, New York.

[New York Herald, April 20, 1861.]

THE UNITED STATES ARMORY AT HARPER'S FERRY DESTROYED.

WASHINGTON, April 19, 1861.

General Scott has just received a telegraphic dispatch from Captain King'sbury, stating that he had burned the armory buildings, the troops having evacuated and marched into Maryland.

There were 15,000 stand of arms in the armory, which were all destroyed. There was a large force from Virginia on their way to seize the armory, in order to get possession of the arms. This will be a sad disappointment to the Virginia troops, who confidently expected to get possession of these arms.

General Scott received a dispatch at 2 p. m. to-day dated Chambersburg, 19th instant, from the commander of the arsenal at Harper's Ferry, as follows:

"Finding my position untenable, shortly after 10 o'clock last night I destroyed the arsenal, containing 15,000 stand of arms, and burned up the armory building proper, and under cover of the night withdrew my command, forty in number, almost in the presence of 2,500 or 3,000 troops. This was accomplished with but four casualties. I believe the destruction was complete. I will await orders at Carlisle."

"R. JONES, Captain Commanding."

CARLISLE, PA., April 19, 1861.

Lieutenant Jones, late in command at Harper's Ferry, arrived here with his command of forty-three men at 3 p. m. to-day.

Lieutenant Jones, having been advised that a force of 2,500 troops had been ordered by Governor Letcher to take possession of Harper's Ferry, and finding his position untenable, under direction of the War Department, destroyed all the munitions of war, armory, arsenal, and all the buildings. He withdrew his

command under the cover of night, and almost in the presence of 2,500 troops. He lost three men.

Fifteen thousand stand of arms were destroyed.

The command made a forced march of 30 miles last night from Harper's Ferry to Hagerstown, in Maryland.

Lieutenant Jones and command looked much worn and fatigued. They were most enthusiastically received by our entire population.

PHILADELPHIA, April 19, 1861.

A dispatch received here from Washington says all the arms that were at Harper's Ferry were burned in a pile.

[Commercial Advertiser, New York, April 20, 1861.]

THE HARPER'S FERRY AFFAIR.

The exciting report was received on Friday that the Government buildings at Harper's Ferry had been destroyed. Later dispatches furnish the following facts:

A DISPATCH FROM THE OFFICER IN COMMAND.

General Scott received a dispatch dated Chambersburg, 19th instant, from the commander of the arsenal at Harper's Ferry, as follows:

"Finding my position untenable, shortly after 10 o'clock last night I destroyed the arsenal, containing 15,000 stands of arms, and burned up the armory building proper, and under cover of the night withdrew my command, 40 in number, almost in the presence of 2,500 or 3,000 troops. This was accomplished with but four casualties. I believe the destruction was complete."

"I will await orders at Carlisle."

"R. JONES, Captain Commanding."

THE REASON OF IT.

Lieutenant Jones, late in command at Harper's Ferry, arrived at Carlisle, with his command of 43 men, at 3 p. m. on Friday.

Lieutenant Jones, having been advised that a force of 2,500 troops had been ordered by Governor Letcher to take possession of Harper's Ferry and finding his position untenable, under directions of the War Department, destroyed all the munitions of war, armory, arsenal, and all the buildings. He withdrew his command under the cover of night and almost in the presence of 2,500 troops. He lost three men.

Fifteen thousand stand of arms were destroyed.

The command made a forced march of 30 miles last night from Harper's Ferry to Hagerstown, in Maryland.

Lieutenant Jones and command look much worn and fatigued. They were most enthusiastically received by our entire population.

LIEUTENANT JONES'S ACCOUNT.

He states that, hearing on Thursday that six hundred Virginians were approaching by the Winchester road to seize the arsenal, they put piles of powder in straw in all the buildings and waited quietly the approach of the picket guard, who gave the alarm, and the garrison set on fire the out-houses, carpenter-shop, and powder fuses, and then began to retreat.

The citizens of Harper's Ferry, who were evidently in league with the party advancing to seize the arsenal, were instantly in arms, pursued, fired, and killed two regulars. Two others deserted before the troops reached Hagerstown. They marched all night, missed the railroad train at Hagerstown, and took omnibuses to Chambersburg on Friday.

As the Federal troops rushed across the Potomac bridge at Harper's Ferry the people rushed in the arsenal. Lieutenant Jones believes that large numbers perished by the explosion. Repeated explosions occurred, and he saw a light of the burning buildings for many miles.

Lieutenant Jones, who has arrived from Harper's Ferry, is a son of the late Adjutant-General Jones, of the United States Army.

The troops are exhausted by the night march. They were fed by the people of Chambersburg, and were received with loud cheers along the route to Carlisle.

In view of the gallantry and very distinguished services of General Jones, the committee recommend that this bill do pass.

Mr. FLOWER. I ask unanimous consent to have the bill amended so as to read: "granting a pension of \$50 a month."

Mr. MORELL. I would like to have that bill read again.

Mr. FLOWER. I will say that the bill was read the day before yesterday. It is the bill granting a pension to the widow of Brig. Gen. Roger Jones.

Mr. WHEELER, of Alabama. This bill was referred to the Committee on Pensions, which fixed the amount at \$30 a month. The chairman of the committee assents to the amendment, and I ask unanimous consent that Mrs. Jones be pensioned at the rate of \$50 a month.

The SPEAKER pro tempore. The gentleman asks unanimous consent that the Committee on Pensions be discharged from the further consideration of this bill and that it be considered in the House at this time; and he also asks that the bill shall be amended so as to read: "Pay her a pension at the rate of \$50 per month." Is there objection? The Chair hears none.

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

FAYETTE ADAMS.

Mr. HITT. Mr. Speaker, I call up the bill (H. R. 6908) to amend the record of Fayette Adams, Company I, Thirty-seventh Illinois Volunteer Infantry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion now standing against the record of Fayette Adams, of Company I, Thirty-seventh Illinois Volunteers.

The report (by Mr. WILLIAMS, of Ohio) is as follows:

The Committee on Military Affairs, having had under consideration House bill 6908, beg leave to report that the evidence in this case shows that Fayette Adams enlisted in Company I, Thirty-seventh Illinois Volunteer Infantry, September 10, 1861, and was a good soldier until February 23, 1863, when, at the solicitation of a comrade, he deserted; said soldier was a mere youth, between sixteen and seventeen years of age, and did not fully comprehend the grave offense he committed by desertion; that upon seeing the proclamation of Abra-

ham Lincoln and learning the serious offense, he immediately re-enlisted in Company D, Ninth Iowa Cavalry, on July 18, 1863, and served until March 23, 1866, when he was mustered out with an honorable discharge. This man served four years and two months as a soldier in the Union Army and was absent as a deserter fifty-four days over four months, the time allowed by the general law for the removal of the charge of desertion.

In consideration of his long service and of his youth and inexperience at the time he deserted, the committee recommend the passage of the bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

WASHINGTON GRIGSBY.

Mr. WHEELER, of Alabama. Mr. Speaker, I call up the bill (H. R. 9545) granting a pension to Washington Grigsby.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Washington Grigsby, dependent father of Jefferson Grigsby, late of Company B, Twelfth United States Colored Troops.

The report (by Mr. LEWIS) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9545) granting a pension to Washington Grigsby, submit the following report:

Washington Grigsby is the father of Jefferson Grigsby, who enlisted in Company B, Twelfth Regiment United States Colored Infantry, July 31, 1863, and died of chronic diarrhea in hospital at Nashville, Tenn., February 5, 1865.

The soldier left surviving him a widow, who died in February, 1872, but no children. Because of this fact the father has no title under the general law; hence the rejection of his claim by the Pension Office.

Claimant never owned any property, and being now about one hundred years old is utterly unable to earn a support, being maintained by the charity of his neighbors. Relief, if any, must soon come.

Your committee are of opinion that the bill should be passed without delay, and therefore return the same with a favorable recommendation.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

DUNCAN D. CAMERON.

Mr. SAWYER. Mr. Speaker, I call up the bill (H. R. 11587) for the relief of Duncan D. Cameron, late first lieutenant Ninth United States Colored Troops.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to amend the military record of Duncan D. Cameron, late first lieutenant Ninth United States Colored Troops, by removing therefrom the entry of dismissal from the United States service March 27, 1865, for absence without leave, and granting him an honorable discharge as of that date; but nothing herein contained shall in any way entitle him to additional pay or allowance on account of such service.

The report (by Mr. WILLIAMS, of Ohio) is as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 11587) for the relief of Duncan D. Cameron, late first lieutenant Ninth United States Colored Troops, submit the following report:

Duncan D. Cameron entered the service August 26, 1862, as private in the sixth company, New York Sharpshooters, and was discharged therefrom November 10, 1864, to accept promotion in colored troops. He was mustered in as first lieutenant, Ninth Regiment, United States Colored Troops, November 29, 1864, and on January 31, 1865, tendered his resignation on the ground that he may be enabled to go home to settle the affairs of his father, who had died without will or other disposition of his property, which was encumbered to some extent and required immediate attention. He was the oldest male representative of the family, and therefore deemed it his duty to take charge of the affairs and make the best arrangements possible for the future comfort and welfare of his mother and the younger members of the family.

His resignation, however, was not accepted, but instead he was granted leave of absence for thirty days from February 9, 1865. At the time of his departure home under this leave his health was much impaired by reason of the hardships and exposure of the service, and about February 20, 1865, he became bed-fast by reason of malarial fever and inflammatory rheumatism, from which disease he did not recover until late in the following summer, which was very clearly shown by the testimony of his neighbors, persons of the highest character. On February 28, 1865, and before his leave of absence had expired, and while on his sick-bed, Cameron again tendered his resignation, and forwarded the same from Albany, N. Y.

The indorsement upon the resignation by the commanding officer of the regiment, who was evidently not friendly inclined toward Cameron, to the effect that its acceptance would benefit the service, was not borne out by the previous record of the officer. It nevertheless had its effect, as is apparent by the action of the brigade commander, who approved the said resignation only to be disapproved by the division and corps commanders.

The regimental commander, not satisfied with the result, called the attention of the Adjutant-General of the Army to Lieutenant Cameron's apparently unauthorized absence after March 11, 1865, and requested that the latter be ordered before the military commission at Washington, D. C., for trial.

From the records of the War Department it would further appear that Lieutenant Cameron was cited to appear before said commission, but failing to do so he was dismissed the service to date from March 27, 1865, for absence without leave.

Lieutenant Cameron during the period intervening between February 20 and March 27, 1865, was, as stated heretofore, confined to his bed with malarial fever and inflammatory rheumatism. He makes oath that he never heard of the action taken upon the tender of his resignation mailed from Albany, N. Y., February 28, 1865; that he never received a summons to appear before the military commission at Washington, D. C., and in fact knew nothing of any proceedings before said commission until about May 1, 1865, when he noticed his name in the Army and Navy Journal, in a list of those who had been dismissed "for absence without leave."

The proposed beneficiary is a man of high standing in the community in which he resides and of unimpeachable character. The fact of his severe and protracted illness after his arrival home under his leave of absence is clearly shown by the evidence on file. He had every reason to believe that his second resignation would be accepted, and while awaiting results and prostrated from sickness contracted in the service, without any notice whatever, his heretofore good record as a soldier and officer was stained by the finding of a military commission before whom he could not appear in his defense.

Your committee are of opinion that the facts in the case warrant favorable

action on Lieutenant Cameron's request, and therefore return the accompanying bill with a recommendation that it do pass.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

ELIZABETH DODGE.

Mr. YODER. Mr. Speaker, I call up the bill (H. R. 11421) granting a pension to Elizabeth Dodge.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place upon the pension-roll the name of Elizabeth Dodge, an army nurse, and pay her a pension at the rate of \$12 per month, subject to the rules and limitations of the pension laws.

The report (by Mr. YODER) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 11421) granting a pension to Elizabeth Dodge, submit the following report:

Elizabeth Dodge served for fifteen months as nurse at the Chester Street Hospital at Philadelphia, Pa., under the charge of Thomas H. Bache, surgeon, United States Army. She proved herself so efficient and intelligent in the performance of her duties that she received the hearty and most complimentary indorsement of her superiors for appointment as matron at the Naval Asylum Hospital permanently located in that city.

She is now over seventy-two years of age, has no property or income except such as is derived from her own labor, which, by reason of infirmities of age, is inadequate for comfortable support.

The case comes clearly within a long line of precedents; wherefore your committee report favorably on the accompanying bill and ask that it do pass.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

ALMOND C. WALTERS.

Mr. BOOTHMAN. Mr. Speaker, I call up the bill (H. R. 9877) directing the Secretary of War to issue an honorable discharge to Almond C. Walters.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War is authorized and directed to issue an honorable discharge from the service of the United States to Almond C. Walters, late a member of Company E, One hundred and sixth New York Infantry, and Company C, One hundred and eighty-eighth New York Infantry, said honorable discharge to date from the day on which the said Almond C. Walters' first service terminated, and up to which he received pay. This act shall entitle the said Almond C. Walters to all rights and privileges heretofore withheld by reason of the failure to receive such discharge.

The report (by Mr. WILLIAMS, of Ohio) is as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 9877) directing the Secretary of War to issue an honorable discharge to Almond C. Walters, have considered the same and respectfully report:

Almond C. Walters enlisted as a private of Company E, One hundred and first New York Infantry Volunteers, December 10, 1861, to serve three years. He was wounded at the second battle of Bull Run, taken to hospital and furloughed to go home. Being a minor at time of enlistment, he was taken from the service by writ of habeas corpus.

In consequence he is borne on the rolls as a deserter. On September 2, 1864, he again enlisted in Company C, One hundred and eighty-eighth New York Infantry, and served faithfully therein until mustered out July 1, 1865, as first sergeant. These facts are obtained from the records in the War Department.

In consideration of the above state of facts the committee recommend the passage of the bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

CHARLES FLETCHER.

Mr. PICKLER. Mr. Speaker, I call up the bill (H. R. 4426) for the relief of Charles Fletcher, alias James H. Mitchell.

The bill was read, as follows:

Be it enacted, etc., That the charge of desertion standing against Charles Fletcher, who served under the name of James H. Mitchell as a private in Company H, Ninety-fifth Regiment of New York State Infantry Volunteers, is hereby removed, and the Secretary of War is hereby authorized and directed to discharge the said soldier as of the date to which said company and regiment were paid on their discharge.

The report (by Mr. CAREY) is as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 4426) for the relief of Charles Fletcher, alias James H. Mitchell, having considered the same, respectfully report:

The evidence offered shows that Charles Fletcher, under the name of James H. Mitchell, was mustered in as a private of Company H, Ninety-fifth New York Volunteers, January 7, 1865, to serve three years, and was reported as deserted June 15, 1865, from Ball's Cross-Roads, Virginia. The command was mustered out of service one month later.

This soldier says he did not intend to desert, but was broken down in health, and, being sick, he left the command at Arlington and returned to his home in the District of Columbia, and that when he was convalescent he found that his company had been mustered out of service and disbanded. The soldier did not absent himself until after the war was over. The evidence offered in the case is printed herewith and made a part of this report.

The committee recommend that the bill do pass.

Case of Charles Fletcher, alias James H. Mitchell, late private Company H, Ninety-fifth New York Volunteers.

RECORD AND PENSION DIVISION, February 27, 1890.

The records show that James H. Mitchell was enrolled and mustered in as a private of Company H, Ninety-fifth New York Volunteers, at Tarrytown, N. Y., January 7, 1865, to serve three years, and appears present for duty until June 15, 1865, when he deserted from Ball's Cross-Roads, Virginia.

He did not rejoin his command up to its muster-out on July 16, 1865, nor report his whereabouts or the cause of his absence to the proper military authorities of the United States.

His original application was returned to him (through his attorney) on June 27, 1889 with the information that his case was not covered by the act of March 2, 1889 (his total service prior to May 1, 1865, amounting to a less period than six months).

As no new evidence has been presented (he filed none in support of his original claim) the soldier's status has not since been changed.
Respectfully submitted.

F. C. AINSWORTH,
Captain and Assistant Surgeon, U. S. Army.

THE SECRETARY OF WAR.

DISTRICT OF COLUMBIA, County of Washington, ss:

Francis C. Tucker, of lawful age, being duly sworn, deposes that he resides at 2530 P street, northwest, Washington, D. C., and has all his life known the applicant, Charles Fletcher, and in the fall of 1864 affiant gave Fletcher money to go to New York and enlist in the Army.

A short time thereafter he received a package of \$250 from Tarrytown, N. Y., and having told the express agent he expected money from Charles Fletcher, the same was withheld, because sent by James H. Mitchell, until correspondence revealed the fact that they were one and the same person.

That affiant thereafter learned that Fletcher had enlisted in Company H, Ninety-fifth New York Volunteer Infantry, and learning about the 1st of July, 1865, that said regiment was encamped just across the river, he visited claimant and found him there serving in said company and regiment, under the name of James H. Mitchell.

That applicant came to the city to visit his friends the 4th of July, and was taken sick and was unable to rejoin his regiment prior to their taking transportation to New York; and that he has no interest in the application.

FRANCIS C. TUCKER.

Witness:

THOS. J. STALEY.

Sworn to and subscribed before me this 21st day of June, 1899, and I further certify that I have no interest in this application.

[SEAL.]

THOMAS J. STALEY, Notary Public.

DISTRICT OF COLUMBIA, County of Washington, ss:

Charles Fletcher, being duly sworn, deposes and says that he is the identical person who enlisted and served in Company H, Ninety-fifth Regiment, New York Volunteer Infantry, under the name of James H. Mitchell.

That from his birth to the time of his enlistment he resided in the said District of Columbia, and his parents and friends being averse to his going in the Army, he went to Tarrytown, N. Y., and there, about December, 1864, he enlisted in said company and regiment.

That he served faithfully till the close of the war, and while on the march home and while said regiment was at Arlington Heights, Virginia, just across the river from the city, he came over to visit his friends.

That his health was very much broken with the fatigues of the spring campaign and rapid march returning and he was taken ill and while ill his regiment moved, and when convalescent he learned that they had been paid off and disbanded.

That he fully intended to serve out his full period of enlistment and would have done so had he not been prevented as above stated and set forth, and he asks, in view of the premises, that he be now honorably discharged, and any and all charges standing against him be removed and canceled.

(On the margin:) The deponent further says that none of the officers or enlisted men in said regiment know him by any other name than James H. Mitchell.

CHAS. FLETCHER.

DISTRICT OF COLUMBIA, ss:

Subscribed and sworn to before me the 21st day of June, 1899, and I further certify that I have no interest in this application. I further certify that the marginal note was made before signing.

[SEAL.]

WILLIAM W. MOFFETT, Notary Public.

DISTRICT OF COLUMBIA, County of Washington, ss:

In the matter of the application of Charles Fletcher, alias James H. Mitchell, for removal of charge of desertion, personally appeared Charles Fletcher, who, being duly sworn, deposes and says that within a few days after his enlistment he joined his company, the same being Company H, Ninety-fifth Regiment, New York Volunteer Infantry, and took part with them in the battles of Dabney's Mills, Hatcher's Run, and Five Forks.

That the weather was very bad and stormy during the entire spring campaign; that he was but sixteen years of age, and the exposure and fatigue brought on piles and rheumatism, which were aggravated by the rapid march back to Washington.

That he has held no correspondence with either officers or men of his company and does not know their whereabouts.

That when he obtained leave to visit his family in this city he fully intended to return to duty on the day following, and would have done so had he not been taken down with fever.

That there was no other duty remaining to be done by him except to proceed to New York, be mustered out and to receive his pay.

CHARLES FLETCHER.

Subscribed and sworn to before me this 24th day of March, 1899.

[SEAL.]

N. D. ADAMS, Notary Public.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

MATILDA M. HARRIMAN.

Mr. JOSEPH D. TAYLOR. Mr. Speaker, I call up the bill (H. R. 10294) granting a pension to Matilda M. Harriman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Matilda M. Harriman, widow of William Harriman, late of Company F, One hundred and seventieth Regiment of Ohio Volunteers.

The report (by Mr. YODER) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 10294) granting a pension to Matilda M. Harriman, submit the following report:

The claimant is the widow of William Harriman, a member of Company F, One hundred and seventieth Ohio National Guard, who enlisted in the hundred days' service May 14, 1864, and was discharged on surgeon's certificate of disability June 22, 1864.

The claim was rejected in the Pension Bureau on the ground that the soldier's fatal disease, consumption (soldier having died April 9, 1865), existed prior to enlistment, and the claim is not embraced in the law passed June 27, 1890, as the soldier served less than ninety days.

Miles J. Saunders, of Harrison County, Ohio, late colonel commanding the One hundred and seventieth Ohio Volunteers, the regiment in which said sol-

dier served, testifies that he was well acquainted with the soldier, and that while he was in said service and in the line of his duty as a soldier, at a place called North Mountain, in the State of Virginia, he contracted a severe cold which settled on his lungs and prevented him from performing military duty; that the disease was brought on by exposure to wet and cold weather and fatigue of camp life; that he knows if said soldier had had proper care at the time he contracted said cold he would have survived. He further testifies that he recommended his discharge after the cold had settled on his lungs.

Dr. James Stone, a resident of Harrison County, Ohio, testified in April, 1866, that he was personally acquainted with the said soldier before his enlistment and that he is satisfied that the disease of which soldier died was contracted and brought on by exposure during his army service, and that his lungs were not diseased before he enlisted, but that the exposure of camp life was the cause of his death.

John H. Hammond, a comrade of said soldier in the same company, testifies that soldier contracted a severe cold at North Mountain, Virginia, which settled on his lungs and incapacitated him for active duty. That at the date of his enlistment the said soldier was in good health and as free from disease as men generally are.

Your committee believe that the widow should be pensioned and recommend that the bill do pass.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

JOHN D. BAGBY.

Mr. KELLEY. Mr. Speaker, I call up the bill (H. R. 12013) to pension John D. Bagley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to place on the pension-roll, subject to the provisions and restrictions of the pension laws, the name of John D. Bagley, who was a private in Capt. Japhet A. Ball's independent mounted company, Illinois Volunteer Infantry, during the Black Hawk war.

The report (by Mr. DE LANO) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 12013) granting a pension to John D. Bagby, have considered the same and report as follows:

The claimant, who resides at Marion, Kans., was a private in Capt. Japhet A. Ball's Company of Illinois Volunteers, and served from April 21, 1832, to May 28, 1832, in the Black Hawk war. He is now seventy-six years old and so crippled and feeble as to be unable to perform any manual labor. He has been badly crippled for sixteen years.

Mr. Bagby has no property or income from which to support himself and aged wife, and he stands in great need of the pension prayed for. His standing in the community in which he resides is first class, and the facts above recited are vouched for by prominent citizens.

The case seems an exceptionally meritorious one and your committee think it would be an act of simple justice to pass the bill, and that action is respectfully recommended. Amend by spelling the claimant's surname Bagby.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

The title was amended to correspond with the change in the bill.

CORNELIUS M'LEAN.

Mr. LANSING. Mr. Speaker, I call up the bill (H. R. 2375) to correct the military record of Lieut. Cornelius McLean.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, directed to correct the military record of Lieut. Cornelius McLean, late of Company G, Thirty-ninth New York Volunteers, by removing therefrom the charge of dishonorable dismissal "for absence without leave and failing to file the necessary surgeon's certificate of disability, and to make reports to his regiment as required by the regulations of the War Department," and to grant said Lieutenant McLean an honorable discharge from the military service as of the date of July 7, 1864, and that he be paid whatever compensation may be due him up to that date.

The report (by Mr. LANSING) is as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 2375) to correct the military record of Lieut. Cornelius McLean, having considered the same, respectfully report:

That Lieut. Cornelius McLean was in the hospital at Annapolis, Md., being treated for a disease contracted in the service, on the 7th of July, 1864. While so in hospital the commanding officer of his regiment, the Thirty-ninth New York Volunteers, requested that Lieutenant McLean be dismissed the service for continued absence and failure to report.

Pursuant to such request, Lieutenant McLean was summarily dismissed the service without any knowledge of such action on the part of his officers. On the same day he was examined by the medical board at Annapolis, who reported him unfit for duty and recommended his honorable discharge for disability. Thus it appears from the records of the War Department this officer was dishonorably discharged for a matter that was beyond his control. He was disgraced for being sick. Your committee think he should be relieved. The facts are fully set forth in the report from the War Department, herewith submitted.

Your committee recommend the bill be amended by striking out the words commencing in line 12 of the bill: "and that he be paid whatever compensation may be due him up to that date," and recommend that the bill so amended do pass.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, February 17, 1888.

SIR: I have the honor to return herewith letter of Col. C. McLean, dated the 18th ultimo, relative to his dismissal from service as second lieutenant, Company G, Thirty-ninth New York Volunteers, referred to the Department by Hon. W. W. Morrow, House of Representatives, the 24th ultimo, for the military record of the officer, with view to introducing a bill for his relief, and to report as follows:

The records of this office show that Cornelius McLean served originally as second lieutenant, Company C, Forty-second New York Volunteers, but there is no muster-in roll of him in that grade and regiment on file.

His name is first taken up on the company return for March, 1862. Roll of company for March and April, 1862, reports him present; and the muster-out roll states that he was mustered in as second lieutenant April 30, 1862. He is reported present with company from April 30, 1862, to June 19, 1862, when he

ten-tered his resignation as second lieutenant on account of physical disability and was honorably discharged thereon June 20, 1862, in special orders, Army of the Potomac.

About six months later (December 8, 1863) he enlisted at New York City for the Thirty-ninth New York Volunteers (enlistment papers on file), but his name is not taken up on the rolls of any company of that regiment until the roll for January and February, 1864.

His name first appears on the morning reports of Company G, Thirty-ninth New York Volunteers, for February 12, 1864, with remark: "Sergeant; gained from detached service;" and on same, February 13, 1864, "Sergeant; promoted to second lieutenant, in charge of company."

He was mustered in as second lieutenant Company G, said regiment, February 12, 1864, and from February 13, 1864, to March 12, 1864, is reported "present, sick," and "sick in quarters."

March 9, 1864, upon the recommendation of the medical director of the Second Army Corps, Lieutenant McLean was directed in special orders from corps headquarters to proceed to Washington and report for treatment to Surg. R. O. Abbott.

He entered Seminary (officers') General Hospital, Georgetown, D. C., March 14, 1864, with rheumatism and was granted leave of absence for twenty days on surgeon's certificate of disability with permission to proceed to New York by special orders of April 12, 1864, Department of Washington.

He was readmitted to same hospital May 3, 1864; transferred to general hospital, Annapolis, Md., May 4, 1864; entered division No. 1, Officers' General Hospital, Annapolis, with debility, May 7, 1864; was examined by the medical board at Annapolis, Md., May 11, 1864, and by said board recommended that "he remain in hospital a few days for observation."

On June 27, 1864, the commanding officer Thirty-ninth New York Volunteers requested that Lieutenant McLean "be dismissed the service for continued absence and failure to report as required by existing orders. Lieutenant McLean was ordered to Washington in February, 1864, and has been absent since without reporting his station or condition. I hear of him in New York City apparently fit for duty."

Thereupon he was dishonorably dismissed the service July 7, 1864, in special orders from this office "for absence without leave and failing to file the necessary surgeon's certificate of disability, and make reports to his regiment, as required by the regulations of the War Department."

July 7, 1864 (date of dismissal), he was re-examined by the medical board at Annapolis, which found the officer suffering from rheumatic pericarditis, and that he would not be fit for active duty in the field again," and recommended that he be discharged the service.

The recommendation of the board was received at this office July 8, 1864, and the president of the board advised, July 12, 1864, that Lieutenant McLean had been dismissed the service.

July 19, 1864, Asst. Surg. William S. Ely, treasurer Officers' General Hospital, Annapolis, Md., reported that Lieutenant McLean, who had received pay for the month of June, 1864, in hospital, stated that he had made such disposition of his funds as to be unable to settle his board account by cash.

July 22, 1864, the Paymaster-General was directed to stop the pay of Lieutenant McLean until he had settled his board account with the hospital, which stoppage has never been removed.

Lieutenant McLean was last paid to include June 30, 1864, at Officers' Hospital, Annapolis, Md.

I am, sir, very respectfully, your obedient servant,

R. C. DRUM, Adjutant-General.

THE SECRETARY OF WAR.

The amendment recommended by the committee in the report was agreed to.

Mr. LANSING moved to amend by adding at the end of the bill the following: "Provided no pay or allowance shall be deemed authorized by this act."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

MRS. SUSAN YOUNG.

Mr. RAY. Mr. Speaker, I call up the bill (H. R. 5517) granting a pension to Mrs. Susan Young.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Susan Young, widow of the late Samuel Young, late captain of the Independent Scouts of West Virginia.

The report (by Mr. CRAIG) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5517) granting a pension to Susan Young, submit the following report:

Susan Young is the widow of Samuel Young, who was commissioned by the State of West Virginia as captain in the Pocahontas County State Guards, August 29, 1864, joined for service September 1, 1864, and discharged June 10, 1865. About the 23d of October, 1864, with twenty-eight or thirty men, on a scout in the enemy's country at or near Oldfield Fork of Elk, Virginia, he received a pistol-shot wound in his hand. The enemy was believed to be present or in near neighborhood.

After dark an alarm occurred and there was considerable confusion and firing by claimant's men. The testimony of comrades shows that he was shot; that he was acting, as he believed, against the enemy. None were seen, but that he was shot as aforesaid at the time.

There is further testimony from William Orvens, M. D., late acting assistant surgeon, United States Army, that Rev. Samuel Young called on him for consultation about an injury to his hand, which he stated was received while in the service.

"It presented the peculiar appearance of elevated erratic edges or pouting of the margins of the ulcer. It suggested the presence of some foreign body in the wound, which it was recommended should be removed by an operation. This he declined, saying his physician at home could do that. I have learned Mr. Young died a year or two later of cancerous affection arising in connection with his wound."

Dr. J. W. Ely says:

"I also lived a neighbor to him for about three years. I knew he was afflicted with a very sore hand, and I also observed his physical condition was very much impaired. I made a careful examination of his hand on October 13, 1864, which I found to be malignant cancer caused by a gunshot wound during the late war. I am confident that the cancer was caused from the wound, etc. I treated Rev. Mr. Young after October 13, 1864, until his death."

Mr. Young died November 2, 1865.

Your committee recommend the passage of the bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

JOSEPH A. BLAIR.

Mr. PETERS. I ask the present consideration of the bill (H. R. 2542) pensioning Joseph A. Blair.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Joseph A. Blair, late of Company C, Seventh Kentucky Cavalry, now of Lyons, Kans.

The report (by Mr. MORRILL) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2542) pensioning Joseph A. Blair, submit the following report:

It appears from the testimony that the claimant was enlisted in Company C, Seventh Kentucky Cavalry, on or about July, 1862; that while in the discharge of his duty as a soldier, with his command at Sharpsburgh, Ky., he received a wound from a rebel sympathizer which disabled him for the performance of military duty; therefore he was never regularly mustered into the United States service.

James P. Ashley, captain of claimant's company, makes affidavit that he is personally and well acquainted with claimant, who enlisted in his company, but was never mustered in for the reason that, soon after enlistment, claimant, with two other comrades, was detailed to go to a rebel sympathizer's house near East Union, Ky., and cause him to take the oath of allegiance, but the said sympathizer resisted and threw an ax from the head of the stairs striking claimant in the face, cutting through his nose, so disabling him that he was never again fit for duty. William H. Hopkins and W. H. Howe make affidavit substantially to the same facts.

From the evidence submitted in this case it appears to your committee that the claimant was in line of duty in obedience to the command of his superior officer, and in the performance of the duty of a regularly mustered soldier when he received his disability, therefore should not be deprived on account of technicality of muster-in.

Your committee report the claim favorably and recommend that the bill do pass.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

ORRIN DAY.

Mr. RUSSELL. I desire to call up the bill (H. R. 11604) granting pension to Orrin Day.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the limitations and provisions of the pension laws, the name of Orrin Day, late of Company A, Third United States Artillery, with Capt. Thomas Childs, in the Florida war, 1832.

The report (by Mr. DE LANO) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 11604) granting a pension to Orrin Day, have considered the same and report as follows:

Orrin Day was a sergeant in Battery A, Third United States Artillery, and served from June 30, 1832, to June 30, 1837. He was discharged at Fort King, East Florida, where he had been rendering service in the Florida Indian war.

He filed an application in the Pension Bureau on the 16th of July, 1890, declaring that while in said service he incurred a rupture from lifting cannon and baggage wagons that had become stuck in the mud. This claim he is unable to establish, however, because he can not, through lapse of time, find any one who served with him and knew the facts.

Mr. Day is now seventy-eight years old, wholly without means of support, and unable to perform manual labor. He is in great need of immediate assistance. The claimant's condition is fully shown by the testimony of George Leavens, John Waldo, and Simon S. Waldo, citizens of Windham, Conn.

Your committee believe the case to be a just one, and they therefore recommend the passage of the bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

CHARLES EWING.

Mr. BLISS. I ask the present consideration of the bill (H. R. 9423) for relief of Charles Ewing.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, instructed and directed to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Charles Ewing, late a member of Company D, Twelfth New York Cavalry.

The report (by Mr. BELKNAP) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9423) granting a pension to Charles Ewing, submit the following report:

The claimant, Charles Ewing, served nearly three years in Company D, Twelfth New York Cavalry. He filed a claim for pension April 23, 1897, alleging rupture of the abdomen and nervous prostration. The claim was rejected by the Department because he could not prove that this disability originated in the service. This the claimant could not prove for the following reason: While on duty with his company at or near Kingston, N. C., in the month of April, 1865, he was detailed to carry an order by General Schofield, who was then engaging the enemy. He was ordered to urge his horse to the utmost. Once, while so riding and crossing a small bridge, his horse broke through the bridge, falling and throwing him headlong upon the bridge. By this accident he received a rupture of the "testicles" and abdomen of a very serious nature, and also straining the cords of his back and neck.

He avers that he did not place himself under the surgeon's care for fear of the severe operations they would perform upon him; and, it being near the close of the war, he remained with his company, doctoring himself, and was shortly after mustered out with his company. He has ample proof of the existence of disabilities from the physicians who have treated him from the year 1865 to the present time; also that of the examining board, who rate him as one-half disabled; also many of his neighbors, who have known him ever since the war, that he has never been able to do more than one-quarter of a man's work, and that he has always been placed at a great disadvantage in a struggle for a living, and that he is now in a dependent condition, sixty-five years of age, and largely depending upon his aged wife, who does washing and laundry work.

He has always been a man of good habits, was a good and true soldier, and

your committee, believing this a very meritorious claim, recommend the passage of the bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

GEORGE S. HOWARD.

Mr. FLOWER. I ask the House to consider at this time the bill (H. R. 3080) granting a pension to George S. Howard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of George S. Howard, late a private in Company E, Twentieth Regiment Ohio Volunteer Infantry.

The report (by Mr. MORRILL) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3080) granting a pension to George S. Howard, submit the following report:

Claimant enlisted as a private in Company E, Twentieth Ohio Infantry, April 17, 1861. Discharged August 18, 1861. Made application for pension in 1883, alleging that he contracted chronic diarrhea while in line of duty during campaign in Virginia about July 1, 1861; that he was treated in regimental hospital for said disease. Surgeon-General reports that there are no regimental hospital reports on file for the Twentieth Ohio previous to October, 1861. There are no reports of the company to which claimant belonged on file in the Adjutant-General's Office except muster-in and muster-out rolls, therefore claimant is unable to furnish any record of disability.

Two comrades belonging to claimant's company and regiment testify that claimant contracted chronic diarrhoea at near Burton Station, Va.; that he was left sick at Battery Knob, Va.; that he was continuously sick with said disease until mustered out at expiration of service, and, further, that prior to about July 1 claimant was sound and in good health. Two witnesses testify that they were near neighbors to claimant prior to his enlistment, and that he was a sound and healthy man, that when he returned home after discharge he had chronic diarrhoea, which often confined him to his bed, and that the said disability continued with claimant up to the time when he went West, which was in 1870.

Several witnesses testify to the continuation of claimant's disability from 1870 to the present time. Dr. Kirby, a practicing physician in the State of Iowa, testifies that he has treated claimant for chronic diarrhoea; also, Dr. Matthews makes affidavit that he has several times given claimant treatment for said disability. Notwithstanding the absence of hospital record in this case, your committee are of the opinion that there is merit in it; while the testimony does not come up to the standard required at the Pension Office as to incurrence, that fact being established by two comrades, and continuous disability since discharge warrants your committee in making favorable report; therefore we recommend that the bill do pass.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

WARREN STAMP.

Mr. TOWNSEND, of Pennsylvania. I ask the present consideration of the bill (H. R. 5537) for the relief of Warren Stamp.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion standing on record against Warren Stamp, late a private in Company I, One hundred and eleventh Regiment Pennsylvania Volunteer Infantry.

The report (by Mr. CAREY) is as follows:

The Committee on Military Affairs, to whom was referred House bill 5537, entitled "A bill for the relief of Warren Stamp," have had the same under consideration, and report it to the House with the recommendation that it pass.

The committee in making this report are controlled by the following reasons: The records show that this soldier was enrolled on January 14, 1862, a private of Company I, One hundred and eleventh Pennsylvania Volunteers, to serve three years, and served with his command until he deserted on October 22, 1862, at Loudoun Heights, Virginia.

The records further show that the said Warren Stamp, under the name of John W. Thompson, was enrolled on February 26, 1864, a private in Company G, Second Ohio Cavalry Volunteers, to serve three years, and served faithfully with this organization until mustered out with it September 11, 1865.

It has been made apparent to the committee that the cause of the desertion of the said Warren Stamp was the fact that, having struck an officer, he was under arrest, and that, fearing he would be court-martialed and dealt with severely, he left the regiment in which he had originally enlisted and entered the service under another name. The cause of striking the officer was that he was struck with a sword by the officer because of some alleged misconduct on his part.

It has been further made apparent that at the time of the enlistment of the said Warren Stamp he was only fifteen years of age, and in consequence could hardly realize the penalties which would ensue to him by reason of his having deserted the service of his country.

Under date of April 25, 1866, the said Warren Stamp applied to the War Department for the removal of the charge of desertion against him. His request could not be complied with in consequence of the provisions of section 3 of the act of Congress approved March 2, 1869, which provides that if the desertion exceeds the period of four months before the second enlistment the charge of desertion can not be removed by the Department.

In view of the fact that the said Warren Stamp was so very young at the time of his desertion, and that he afterwards faithfully served in the Union Army until after the end of the war, to wit, September 11, 1865, the committee see no reason why the charge of desertion on the records of the War Department should not be removed and an honorable discharge issued to him.

The committee herewith append to this report a statement of facts submitted by the War Department bearing upon this case of the date of March 22, 1890.

Case of Warren Stamp, late private Company I, One hundred and eleventh Pennsylvania Volunteers, alias John W. Thompson, late private Company G, Second Ohio Cavalry Volunteers. (In violation of twenty-second, now fiftieth, Article of War.)

RECORD AND PENSION DIVISION, March 26, 1890.

Warren Stamp was enrolled on January 14, 1862, a private of Company I, One hundred and eleventh Pennsylvania Volunteers, to serve three years, and served with his command until he deserted on October 22, 1862, from Loudoun Heights, Va.

Under the name of John W. Thompson he was enrolled on February 26, 1864, a private in Company G, Second Ohio Cavalry Volunteers, to serve three years, and served faithfully with this organization until mustered out with it on September 11, 1865.

Warren Stamp, under date of April 25, 1866, applied for removal of the charge of desertion against him, and testified that the reason for his desertion was his

fear of being arraigned before a court-martial, he being at the time of his desertion under arrest for having struck his superior officer who had first struck him with his sword; that he was at the time of his enlistment only fifteen years of age; he afterwards enlisted in Company G, Second Ohio Cavalry Volunteers, under the name of John W. Thompson.

His enlistment in the Second Ohio Cavalry Volunteers while a deserter from the One hundred and eleventh Pennsylvania Volunteers was in violation of the twenty-second (now fiftieth) Article of War; and as such absence in desertion before his subsequent enlistment exceeded the period of four months, the provisions of section 3, act of Congress approved March 2, 1869, prohibit favorable action on his application by the War Department, and his application was accordingly rejected.

Respectfully submitted.

F. C. AINSWORTH,
Captain and Assistant Surgeon, U. S. Army.

The SECRETARY OF WAR.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

EMMA FULTON.

Mr. TRACEY. I desire to call up the bill (H. R. 9019) granting a pension to Emma Fulton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, instructed and directed to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Emma Fulton, widow of George Fulton, late a member of Company C, Fifth Michigan Cavalry.

The report (by Mr. BELKNAP) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9019) granting a pension to Emma Fulton, submit the following report:

Claimant is the widow of George Fulton, late private Company C, Fifth Michigan Cavalry, with which he served nearly three years, and who died July 1, 1877. The soldier was pensioned for injuries received in action at the battle of Cedar Creek, Virginia, October 19, 1864. This injury was caused by his horse falling upon him, breaking three ribs and contusion of chest and left side, right knee, hip, and thigh. For these injuries he was discharged from the service. The surgeon's certificate cites him as crippled and forever unfit for further service.

The soldier's death was caused in the following manner: While at work in the field, he being a farmer, his injured leg was fractured by an accident, but from the fact of the previous injury the bones had become weak, unhealthy, and diseased, and would not heal, and his leg was amputated, and from the debilitated condition, caused by his former injuries, as shown by the surgeons who attended him, death resulted. Of this there is ample and uncontradicted proof.

The widow's claim was rejected upon the ground that the latter injury, breaking of his leg, was the cause of death. However, as it is so plain that this leg was very severely injured in the service and that the soldier never recovered the full use of it, it is very clear to the mind of your committee that his death was the result of the wounds for which he was pensioned.

The widow is poor and advanced in life, without means of support, and your committee believes it is a very meritorious claim and recommends its passage.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

CHARLES W. WHITNEY.

Mr. MORRILL. I ask the present consideration of the bill (H. R. 7125) granting a pension to Charles W. Whitney.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Charles W. Whitney, late of Company I, Ninety-second Regiment United States Colored Infantry.

The report (by Mr. MORRILL) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7125) granting a pension to Charles W. Whitney, submit the following report:

The soldier enlisted in Company G, Thirty-seventh Illinois Volunteers, September 15, 1861, and served until September 27, 1863, when he was mustered out to accept the position of first lieutenant in Company I of Ninety-second Regiment United States Colored Infantry. He served until December 31, 1865, when he was discharged at New Orleans, La. He served four years four months and sixteen days in the Army. Was a prisoner of war six months.

He claims that while at Fort Hudson on detached service he contracted dengue fever, or break-bone fever, and had a very severe attack. Since then he has never been a well man. He has suffered from the effects of the disease ever since, and the disease has increased every year. He has trouble in urinating, has pains in the small of his back, left shoulder, and hips, with dull pain in his head. In the fall of 1867 he was prostrated with a severe attack of rheumatism, and a general break-down of the whole system, and was confined to the bed till the following spring, and could not do any work during the ensuing summer. Every fall since he has had a sick spell and is unable to do much work.

His claim was rejected on the ground that there was no ratable disability for dengue fever shown since filing the claim, and the disease of kidneys and rheumatism are not shown to be results. The hospital record shows that during the month of October, 1865, he was taken with dengue fever. The testimony of the colonel of Ninety-second Regiment, and Bvt. Brig. Gen. H. N. Frisbie says that he knows Charles W. Whitney, and that he among many others suffered from malaria at Fort Hudson in 1865. He was in command of that port and district a good part of that year. He says:

"Lieutenant Whitney was one of my trusted officers, and so I particularly remember his sickness. He had an unusually severe attack of dengue fever. I consider it to result from malaria where we were so long after the mosquitoes broke and the greatest overflow ever known took place. Following it was an epidemic of this peculiar fever, from which I myself have twice suffered. It resulted in case of claimant in an affection of the kidneys, suppression of the urine, and rheumatism. It was a severe and dangerous case."

E. G. Dannel, lieutenant of said regiment, says he has known claimant since 1865, and from that till 1872; resided near him, part of the time in the same house, and has seen him quite frequently. During the entire time the claimant suffered with what he called break-bone fever, chronic inflammation of the kidneys, rheumatism, and nervous debility, and in affiant's opinion was unable to perform more than one-third the labor of an able-bodied man.

William B. Gates, D. J. Whitney, and others swear to about the same state of facts. Gates says that he resided in the immediate neighborhood of claimant from July, 1872, to April, 1886, and has seen him as often as once a month during that period and that he can not perform more than one-fourth the labor of a well man.

J. S. Little, special examiner, in his report of March 8, 1890, says: "From all the evidence I am of opinion that the claim is one of merit."
W. S. Rondsbusch, special examiner, in report of March 17, 1890, says: "I think the claim is meritorious."
A. Downing, special examiner, in his report of March 29, 1890, says: "From the reputation for probity of claimant and the high character of the witnesses interviewed I am led to believe the claim is meritorious."
T. N. Webster, special examiner, in his report of March 31, 1890, says: "I believe the claim has merit."

There is no evidence of the condition of the claimant previous to enlistment, but it is fair to assume that a man who entered the service and won distinction and promotion and received the commendation of his superior officer, and continued in the performance of his duty for more than four years as an able-bodied man when he entered the service. His impaired physical condition subsequent to discharge and through all the years subsequent thereto, his poverty, his high character for honesty and probity being such as to elicit the commendation of special examiners commissioned to look for evidence, and the conclusion of every one of them that the bill has merit, lead your committee to the conclusion that the bill is meritorious, and we therefore recommend that it do pass.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

MARY B. COOK.

Mr. CRAIG. I desire to call up the bill (H. R. 11640) granting a pension to Mary B. Cook.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary B. Cook, who was the widow of Henry W. Torbett, late second lieutenant of Company K, Eleventh Regiment United States Infantry.

Mr. KILGORE. It appears that this beneficiary bears a different name from her husband. I call for the reading of the report.

The report (by Mr. CRAIG) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 11640) granting a pension to Mary B. Cook, submit the following report:

That Mary B. Cook was the widow of Henry Torbett, who served as second lieutenant and finally lieutenant-colonel of the Seventy-eighth Pennsylvania Volunteers through the war 1861-1865. He was appointed second lieutenant Twenty-ninth United States Infantry May 22, 1867, and was transferred to the Eleventh Infantry April 25, 1869. He died June 8, 1871. His widow was granted a pension at \$15 per month December 30, 1872.

Said widow married Dr. Cook December 25, 1883. He lived two years and died December 24, 1885.

In view of the long and faithful service of the said Lieutenant Torbett, who died in the service as a result of his hardships and exposures, the dependent condition of his former widow, her inability to earn a support, and the fact that no one is legally bound for her support, her delicate health and age and precedents heretofore in similar cases, your committee recommend that the bill do pass.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

THOMAS A. ROWLEY.

Mr. OSBORNE. I ask the present consideration of the bill (H. R. 10418) to increase the pension of Thomas A. Rowley, late brigadier-general of United States volunteers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to increase the pension of Thomas A. Rowley, late brigadier-general United States volunteers, to \$50 per month.

Mr. KILGORE. Let the report be read.

The report (by Mr. CRAIG) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 10418) granting an increase of pension to Thomas A. Rowley, submit the following report:

Thomas A. Rowley was a soldier in the Mexican war. He was mustered into the United States service as colonel of the One hundred and second Pennsylvania Volunteers August 6, 1861. He was promoted to brigadier-general of volunteers February 18, 1863. He commanded Third Brigade, Third Division of the Sixth Corps from November, 1862, to March, 1863, when he was placed in command of First Brigade, Third Division, First Corps, until July 3, 1863, when wounded at Gettysburg, Pa. He had also been wounded in the hand at Fair Oaks May 31, 1862.

He occupied various important and responsible positions until his resignation December 23, 1864. He was granted a pension of \$7.50 per month February 14, 1870, increased to \$15 March 19, 1884, and increased by special act \$10 per month June 24, 1886.

He suffers from his wounds, which also affect his eyesight. About two years ago he met with an accident on a railroad which crippled him and he is very lame. He is in very limited circumstances, and is dependent on his pension.

In view of the faithful service of this soldier, his age, which is eighty years, and his suffering condition, your committee recommend the passage of the bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

HANNAH B. SHEPHERD.

Mr. HENDERSON, of Illinois. I ask the present consideration of the bill (H. R. 12012) granting a pension to Hannah B. Shepherd.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Hannah B. Shepherd, dependent mother of Henry J. Shepherd, late a private in Company E, Ninety-sixth Regiment of Ohio Volunteer Infantry, at the rate of \$12 per month.

The report (by Mr. FLICK) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 12012) to grant a pension to Hannah B. Shepherd, submit the following report:

Hannah B. Shepherd is the mother of Henry J. Shepherd, who enlisted in Company E, Ninety-sixth Regiment Ohio Volunteers, August 2, 1862, was discharged in 1863, and died of disease of lungs October 25, 1871. The mother's claim has been rejected on the ground that soldier left surviving him a widow

to whom he was married on his death-bed. The widow has long since remarried and there is no one drawing any pension on account of said soldier's death. The evidence clearly shows that the soldier's death cause was directly chargeable to malarial poisoning of an aggravated type, from which he suffered during service, and a hacking cough which developed before discharge.

It is also shown that before enlistment, during service, and after discharge, he made ample provisions for the comfortable maintenance of his mother, but his death has cut off this avenue of support, and having no property or income from any source, she is now dependent upon others not legally bound in her support.

The case comes within a well established rule of Congress to grant relief to the poor and aged parents of those who lost their lives in the service of their country, and the committee therefore report favorably on the accompanying bill and ask that it do pass.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

JOHN LINDT.

Mr. REED, of Iowa. I desire to call up the bill (H. R. 4254) granting a pension to John Lindt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, empowered and directed to place on the pension-roll the name of John Lindt, late a private in Company B, Independent Regiment Light Artillery, Pennsylvania Volunteers, and that he be rated at \$12 per month from January 1, 1885.

The report (by Mr. FLICK) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4254) granting a pension to John Lindt, submit the following report:

The claimant filed an application for pension for disability, caused by injury to his hearing, and rheumatism. His claim was rejected on the ground that he had not established the incurrence of the disabilities in the service. He showed by evidence other than his own the existence of the disabilities, but he was not able to furnish any testimony except his own that the disabilities were the result of his service.

He was a private in Company B, Independent Regiment Pennsylvania Volunteers. He testified that in one of the actions during the Atlanta campaign, in 1864, the gun with which he served was placed in action in a gap or narrow valley between two high hills, and that the concussion caused by the firing of the gun injured one of his ears, and that the injury has constantly grown worse since his discharge from the service, and that he is now able to hear but little in that ear.

The fact of the occurrence of the injury is necessarily within his exclusive knowledge. It was not of such serious character as to demand medical treatment at the time. He is shown to be a man of good repute and worthy of credit, and your committee think his testimony ought to be accepted as sufficient to establish the occurrence of the injury. The disability, although serious, does not disable him from earning a livelihood by manual labor, so that he can not be pensioned under the act approved June 27, 1890.

The committee recommend that the bill be amended by striking out the word "and" in the sixth line, and all the seventh and eighth lines, and by inserting the following: "Subject to the provisions and limitations of the pension laws," and that as so amended it be passed.

The amendment recommended by the committee was read and agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

GEORGE EVERTS.

Mr. LACEY. I desire to call up the bill (H. R. 8124) granting a pension to George Everts.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to place upon the invalid pension-roll the name of George Everts, late of Company A, Fifteenth Iowa Infantry Volunteers, the said pension to be subject to the limitations of the general pension laws at the rates to be established by the usual examination.

The report (by Mr. BELKNAP) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8124) to pension George Everts, submit the following report:

George Everts, Company A, Fifteenth Iowa Infantry Volunteers, filed his claim No. 606903 for an invalid pension. House bill 8124 is supported by a petition signed by a very large number of his neighbors, in which the merit of his claim and his necessity for a pension are vouched for. The petition states his inability to furnish the proof required by the rules of the Pension Bureau as to the origin of his disability.

C. H. T. St. Clair has filed an affidavit with the committee in which he states that the claimant is old and broken down in health and suffering from heart disease, disease of the spine, and rheumatism; that he is confined to his bed a part of the time each day. The claimant states that his diseases were contracted from hard marching and exposure on march at Black River, Miss., in the spring of 1864. The surgeon's certificate of the board of examiners at Fairfield, Iowa, states that the disability of the soldier is total.

Rufus A. Eno testifies to his acquaintance with the soldier since 1861, and describes his disability substantially the same as said St. Clair.

E. F. Williams, another neighbor, who has known the claimant from 1870 and had opportunities to know him, states the disability to have been continuous. Dr. J. C. Millikin also testifies as to the disability in 1882.

The records of the War Department show the sickness of the soldier in Marietta, Ga., in July, 1864, and to February, 1865; and absent, sick, in February, 1865; sick in May, 1861; had diarrhea in July, 1864.

Charles Bailey testifies that he knew the soldier in 1873, when he was suffering from disease, but does not clearly state the nature of the disease.

A further record of the War Department on file shows that the soldier suffered from remittent fever, chronic diarrhea, acute diarrhea in 1864, and in 1865 chronic hepatitis.

His continuous sickness during the last two years of his service, and his subsequent illness, as shown by the affidavits on file, clearly indicate that his army service has produced his present condition of health in whole or in part.

The soldier is greatly disabled and his case is an extreme one, so that the liberal provisions of the disability act are inadequate, as his disability was evidently contracted in the service, although the proof is not clear enough to entitle him to pension under the old law.

Owing to the extent of his disability, we deem the new law inadequate and recommend the passage of this bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

JESSE G. HAMILTON.

On motion of Mr. KILGORE, by unanimous consent, the bill (H. R. 7928) granting a pension to Jesse G. Hamilton was considered.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Jesse G. Hamilton, late of Company B, Twenty-first Indiana Volunteers.

The report (by Mr. MORRILL) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7928) granting a pension to Jesse G. Hamilton, submit the following report:

The claimant enlisted in Company B, Twenty-first Indiana Heavy Artillery, on the 24th day of July, 1861. Discharged by reason of hernia, April 1, 1862. Filed declaration for pension March 27, 1869, alleging that at Newport News, Va., about March 1, 1862, while lifting a log to build a fire, he incurred rupture of right side. Declaration filed April 3, 1880, alleges that from carrying a heavy log for fire-wood at the hospital near Newport News, Va., in March, 1862, he received a rupture of the right side. This case was finally rejected after a lengthy special examination. Reason stated, the evidence is insufficient to overcome the adverse record, but strongly tends to prove that claimant was slightly ruptured at date of enlistment.

The fact of existence of disability at discharge is established beyond doubt; therefore rejection was based principally upon the hypothesis that disability existed at enlistment. Ezra Read, surgeon Second Indiana Volunteers, who signed claimant's certificate of disability for discharge, made the remark on said certificate that disability existed at time of enlistment. Dr. Salem A. Tilford, president of the examining board at Martinsville, Ind., states that before the war he had frequently given claimant and family treatment, and in his opinion claimant was a sound man and free from hernia when he enlisted in the service.

Dr. Wilhite, a practicing physician for twenty-eight years, testifies that he knew claimant before his enlistment; that he was a sound man; that the fall and winter of 1861 he was in the hospital at Baltimore with claimant, they both being nurses; that about March, 1862, they went to Newport News; that claimant was cook and nurse in hospital; that soon after arrival at Newport News claimant became ruptured by lifting a heavy log.

Ten or twelve witnesses testify that claimant was a sound man to all appearance before enlistment, and was performing heavy and laborious work prior to enlistment. Special Examiner Cox says claimant has excellent reputation for truth and veracity, is broken down physically, and financially destitute, believes the claim has merit, and recommends further examination. Special Examiner McCoy finds claimant to have good reputation in Indiana, where he enlisted; that all the witnesses which he examined except one believed claimant was sound at enlistment. He also recommended further examination.

From the large amount of testimony showing that claimant was sound at and prior to enlistment your committee are inclined to give him the benefit of the doubt, with favorable report recommending that the bill do pass.

Mr. FLOWER. What is the rate of pension?

The SPEAKER *pro tempore*. Subject to the provisions and limitations of the pension laws.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

ELIAS D. THOMPSON.

On motion of Mr. NUTE, by unanimous consent, the bill (H. R. 11173) to increase the pension of Elias D. Thompson was considered.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to pay Elias D. Thompson, of Company F, First Louisiana Volunteers in the Mexican war, a pension of \$30 per month in lieu of the pension he is now receiving.

The report (by Mr. BROWNE, of Virginia) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 11173) granting an increase of pension to Elias D. Thompson, have considered the same and report as follows:

Mr. Thompson was a corporal in Company F, First Louisiana Volunteers, Mexican war, and served as such from May 7 to July 27, 1846. He is now in receipt of a pension at the rate of \$8 per month under the Mexican-service act of January 29, 1867.

The applicant is now nearly seventy-eight years old and so badly afflicted with chronic rheumatism as to require the constant attendance of a nurse. The disease has resulted in much deformity and rigidity of the joints, and he has been unable to do any manual labor for years. He stands in much need of the increase prayed for.

The facts are substantiated by the testimony of Dr. George W. Benson and Dr. J. Harvey Hill, both of Baltimore, Md.

The passage of the bill is respectfully recommended.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

CHARLES H. VANDERVOORT.

On motion of Mr. DE LANO, by unanimous consent, the bill (H. R. 4870) to relieve Charles H. Vandervoort of the charge of desertion was considered.

The bill is as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove from the rolls and records in the office of the Adjutant-General of the United States Army the charge of desertion now standing on the said rolls and records against Charles A. Vandervoort, late of Company A, Second Regiment New York Heavy Artillery Volunteers, and, when so removed, that the said Charles A. Vandervoort be restored to all rights lost or suspended by the said record.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

JEREMIAH M. SIDWELL.

On motion of Mr. FLOWER, by unanimous consent, the bill (H. R. 2417) granting a pension to Jeremiah M. Sidwell was considered.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Jeremiah M. Sidwell, of Spring Arbor, Mich., late a private in the Indiana Home Guards, said Sidwell having

been wounded at the battle of Panther Creek, Kentucky, while serving in the Army of the United States.

The report (by Mr. BELKNAP) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2417) granting a pension to Jeremiah M. Sidwell, submit the following report: This claimant made an application for pension in the proper way and was rejected by the Department, as the regiment in which he served was a State organization and not mustered into the United States service.

It appears from the evidence on file with this claim that he served with the Fourth Indiana Legion, a regiment of home guards, and that his regiment was ordered out of the State and to the State of Kentucky, where, in a skirmish with the enemy, he received a gunshot wound in left leg. Upon this point the evidence seems conclusive, and your committee, believing the claim a just and proper one for Congress to act upon, recommend the passage of the bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

JOSEPHINE S. HANSEL.

On motion of Mr. CHEADLE, by unanimous consent, the bill (H. R. 10742) granting a pension to Josephine S. Hansel (late Wilson) was considered.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to place upon the pension-rolls of the United States the name of Josephine S. Hansel (formerly Wilson), widow of James Wilson, late of Company K, Twenty-eighth Regiment Iowa Infantry Volunteers, at the rate of \$12 a month.

The report (by Mr. BELKNAP) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 10742) granting a pension to Josephine S. Hansel (late Wilson), submit the following report:

Josephine S. Hansel was the widow of James Wilson, of Company K, Twenty-eighth Iowa Infantry Volunteers, who died in the United States service; that said widow forfeited her right to pension by remarriage with Cephas J. Hansel; that the said Hansel is now dead, and she is left in destitute circumstances, and that she is the proper subject of the bounty of the Government, and we recommend the passage of the bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

MARGARET HAWKINS.

On motion of Mr. GEST, by unanimous consent, the bill (H. R. 8119) to grant a pension to Margaret Hawkins was considered.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Margaret Hawkins, widow of William Hawkins, who was a private in Capt. Alexander M. Houston's company of Illinois Mounted Volunteers in the Black Hawk war, and pay her a pension of \$20 per month.

The report (by Mr. DE LANO) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 8119) granting a pension to Margaret Hawkins, have considered the same and report:

The claimant's late husband, William Hawkins, was a private in Capt. Alexander M. Houston's company of Illinois Mounted Volunteers in the Black Hawk war, and was honorably discharged therefrom August 15, 1832.

It is shown that the soldier died February 12, 1830, and that his widow is poor, old, and feeble. Her age is about seventy-four years, and she is so much afflicted with palsy as to require almost constant care and attention from others.

The claimant's husband was in receipt of a pension at the rate of \$20 per month at the time of his death, the same having been granted him by special act at the second session of the Fiftieth Congress.

Your committee regard the case as a meritorious one, and therefore favorably report the bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

BAZEL LEMLEY.

On motion of Mr. ALLEN, of Michigan, by unanimous consent, the bill (H. R. 9400) granting a pension to Bazel Lemley was considered.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll of the United States the name of Bazel Lemley, late a member of Company I, Eighth Pennsylvania Reserve Corps, subject to the provisions and limitations of the pension laws.

The report (by Mr. CRAIG) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9400) granting a pension to Bazel Lemley, submit the following report:

That claimant enlisted July 15, 1861, in Company I, Eighth Pennsylvania Reserve Corps, was transferred to Company H, One hundred and ninety-first Pennsylvania Volunteers, June 30, 1864, and was discharged June 28, 1865.

His claim for a pension was filed September 13, 1879, for gunshot wound of right shoulder received at battle of the Wilderness May 6, 1864, and heart disease, which claim was rejected on medical grounds that there has been no disability from alleged wound of shoulder, and that the disease of heart is not the result of said wound, and inability to satisfy the Pension Office with evidence of incurrence of heart disease.

There is abundant evidence of prior soundness both by family physician and neighbors. Dr. G. W. Mass, the family physician, thinks he would have known it if he had heart disease, and thinks he was free from any functional disease of same.

There is evidence quite satisfactory of the wound having been received in battle as stated.

There is lay testimony of the contraction of heart disease in the service, but the Pension Office refused to consider it conclusive.

Dr. G. W. Mass testifies that when claimant returned from the Army in the summer of 1865 he had functional disease of the heart, and it produced frequent attacks of syncope and to a very great extent disqualified him from manual labor. In addition to this a number of respectable witnesses testify to his having heart disease on his return from the service. His neighbors generally unite in giving him an excellent character.

This case was specially examined in the field and by the examiner recommended for admission.

Your committee, in view of all the circumstances, his long service and his wound, think it reasonable to give him the benefit of the doubt and recommend the passage of the bill, amended by adding after word "corps" the words "transferred to Company H, One hundred and ninety-first Pennsylvania Volunteers."

The amendment recommended by the committee was adopted.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

MARK F. CARTER.

Mr. TRACEY. I ask unanimous consent to discharge the Committee on Pensions from the further consideration of the bill (S. 573) granting an increase of pension to Mark F. Carter and put it upon its passage.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to Mark F. Carter, late a member of Company E, Second Regiment of Iowa Volunteer Infantry, a pension at the rate of \$50 a month, in lieu of that which he now receives, to take effect from and after the passage of this act.

There being no objection, the bill was considered, ordered to a third reading, and being read the third time, was passed.

FRANC E. BABBITT.

On motion of Mr. O'DONNELL, by unanimous consent, the bill (H. R. 2434) granting a pension to Franc E. Babbitt was considered.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Franc E. Babbitt, sister and heir of George S. Babbitt, late lieutenant-colonel of the Twenty-third Regiment Indiana Infantry, the pension of said Franc E. Babbitt to be fixed at the rate of \$30 per month.

The report (by Mr. BELKNAP) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2434) granting a pension to Franc E. Babbitt, submit the following report: Franc E. Babbitt is the sister of George S. Babbitt, late lieutenant-colonel of the Twenty-third Indiana Infantry.

Colonel Babbitt entered the service as a captain, and remained until the close of the war; he ran the blockade at Vicksburg as volunteer commander of the J. W. Cheeseman, manned by a volunteer crew from his company, remaining under fire for six hours, and the vessel was struck many times by cannon-balls and grape, canister, and musketry beyond mention; the consort of the Cheeseman was relieved and rescued.

Colonel Babbitt took part in all the battles under Grant, beginning at Belmont and ending at Vicksburg; he was in the battles about Atlanta; marched with Sherman to the sea. He contracted pulmonary disease in the Army and died, after a lingering consumption, June 22, 1869. He was never married; his mother died when he was a babe, and his father while he was a small boy. The sister was a mother to the boy and raised him. When he grew up he contributed to his sister's support until he became unable to do any kind of work. She is the heir at law; she cared for him in infancy and during his long illness. The soldier would not apply for a pension during his lifetime. The sister is sixty-five years of age, broken in health from her long care of the gallant soldier; she is without income, being dependent upon her exertions.

General Gresham, on whose staff the soldier served, in a letter to Mr. O'Donnell, the author of the bill, testifies to the services of Colonel Babbitt as a faithful and valuable officer; he approves the proposition to have the sister pensioned by act of Congress. General Lew. Wallace, who served with the soldier, also favors such action.

In view of these facts, and as it has become customary to grant pensions in cases of this nature, your committee recommend the passage of the bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

URIAH J. O'NEIL.

On motion of Mr. CUMMINGS, by unanimous consent, the bill (H. R. 5687) for the relief of Uriah J. O'Neil was considered.

The bill is as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to cause the removal of the charge of desertion from the record of Uriah J. O'Neil, late Company B, Fifty-ninth New York Infantry.

The report (by Mr. SNIDER) is as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 5687) for the relief of Uriah J. O'Neil, having considered the same, respectfully report:

That they have carefully examined the evidence submitted in this case and believe the soldier entitled to relief asked.

They recommend the bill do pass.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

SARAH H. PHILP.

On motion of Mr. CUTCHEON, by unanimous consent, the bill (H. R. 11243) granting a pension to Sarah H. Philp was considered.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to put the name of Sarah H. Philp, widow of Thomas Kinrade, late a member of Company K, Second Ohio Cavalry, on the pension-roll, subject to the limitations and provisions of the pension laws.

The report (by Mr. BELKNAP) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 11243) granting a pension to Sarah H. Philp, submit the following report:

Sarah H. Philp was the wife of Thomas Kinrade, a member of Company K, Second Ohio Cavalry, and who died from injuries received in line of duty April 8, 1862. She was granted a pension by certificate 5631, which was paid to her until March 2, 1864, when she married William Philp, with whom she lived until his death several years ago, since which time she has remained a widow and has supported herself by teaching. She has no other means of support and is now advanced in years.

Your committee therefore recommend that her name be restored to the pension-roll, subject to the provisions and limitations of the pension laws.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

BENJAMIN SCRAM.

Mr. WICKHAM. I ask unanimous consent that the Committee on Pensions be discharged from the further consideration of the bill (H. R. 11027) granting a pension to Benjamin Scram.

Mr. MORRILL. Mr. Speaker, this is a dangerous practice without some explanation or report. If this is a Senate bill the report ought to be read; if a House bill some explanation should be given.

The SPEAKER *pro tempore*. The bill will be read.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Benjamin Scram, late a private in Colonel Thompson's regiment in the Black Hawk war, at the rate of \$12 per month.

Mr. WICKHAM. I move that the word "twelve," in line 7, be stricken out and "eight" inserted.

The facts are that this man was wounded in the Black Hawk war, is now an aged man, and needs the money he gets from his pension.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill?

Mr. MORRILL. The chairman of the Committee on Pensions is here, and I would like to ask if he has examined the bill and knows anything about it.

Mr. DE LANO. I have examined the bill during this day, and it is the custom of the committee to report favorably upon such bills.

There being no objection, the bill was considered, the amendment adopted, and the bill as amended ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

OWEN T. GALE.

Mr. BAKER. Mr. Speaker, I ask unanimous consent to discharge the Committee on Military Affairs from the further consideration of the bill (H. R. 11916) for the relief of Owen T. Gale, alias Thomas Mott.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and is hereby, authorized and directed to cancel the record of desertion now resting against the name of Owen T. Gale, alias Thomas Mott, as of Company E, Eighty-first Regiment of New York Volunteers, and issue to him an honorable discharge in his favor.

Mr. BAKER. In this connection I desire to print the record of the War Department and the affidavits relating to the case, in lieu of the formal report.

The documents referred to are as follows:

WAR DEPARTMENT, Washington City, May 22, 1890.

SIR: Referring to the application for removal of the charge of desertion and for an honorable discharge in the case of Owen T. Gale, alias Thomas Mott, as of Company E, Eighty-first Regiment New York Volunteers, I am directed by the Secretary of War to inform you that, upon a careful consideration of the additional testimony presented by you, nothing is found to justify a reversal of the former adverse decision in the case, and the application is, therefore, again denied.

Very respectfully,

F. C. AINSWORTH.

Captain and Assistant Surgeon, U. S. A.

Mr. H. E. HAMMON,
Attorney, Rochester, N. Y.

WAR DEPARTMENT, Washington City, July 30, 1890.

SIR: In returning herewith a letter addressed to you and by you referred to this Department (received on the 26th instant), having reference, apparently, to a removal of the charge of desertion against Thomas Mott, a former member of Company E, Eighty-first New York Volunteers (whose true name it is alleged is Owen T. Gale), I am directed by the Secretary of War to inform you that the official records show that this soldier was enrolled October 4, 1861, to serve three years; that on June 18, 1863, he was granted a furlough for twenty-five days, from which he never returned, and was accordingly reported as having deserted July 18, 1863, although the actual date of desertion was July 13, 1863.

As it appears from the letter of your correspondent that the only ground for his failure to return was because his mother threatened him with arrest if he did so, there is no provision of law under which the Department can afford him any relief.

Very respectfully,

F. C. AINSWORTH,

Captain and Assistant Surgeon, United States Army.

Hon. CHARLES S. BAKER,
House of Representatives.

General affidavit.

STATE OF NEW YORK, County of Monroe, ss:

In the matter of removal of charge of desertion, case of Owen T. Gale, Company E, Eighty-first New York Infantry.

On this 7th day of August, A. D. 1890, personally appeared before me, a notary public in and for the aforesaid county, duly authorized to administer oaths, Owen T. Gale, aged forty-four years, a resident of Brockport, in the county of Monroe and State of New York, well known to me to be reputable and entitled to credit, and who, being duly sworn, declared in relation to aforesaid case as follows:

That he is the man who enlisted under the name of Thomas Mott in the above-named organization; that the affiant changed his name at the instance of comrades to elude pursuit by his parents at the time of his enlistment, as he was a minor; that he served said organization faithfully for two years, and was pro-

moted for bravery; that affiant drew a furlough by lottery and came home to visit his parents; that his father had died during his absence, and that his mother threatened him with arrest if he attempted to return to the Army; that he never returned nor tried to evade arrest; that this application is made for the purpose of being restored to citizenship, and is not in any way designed to secure either a pension, or bounty, or any pay whatever other than an honorable discharge, which will restore him to citizenship and entitle him to the benefits of a soldiers' home.

OWEN T. GALE.

STATE OF NEW YORK, County of Monroe, ss:

Sworn to and subscribed before me this day by the above-named affiant, and I certify that I read said affidavit to said affiant, including the words erased and the words added, and acquainted him with its contents before he executed the same. I further testify that I am in no wise interested in said case, nor am I concerned in its prosecution; and that said affiant is personally known to me, and that he is a credible person.

[L.S.]

DELBERT A. ADAMS,

Notary Public in and for Monroe County, New York.

General affidavit.

STATE OF NEW YORK, County of Monroe, ss:

In the matter of Owen T. Gale, late private Company E, Eighty-first New York Infantry, for removal of charge of desertion.

On this 12th day of August, A. D. 1890, personally appeared before me, a notary public in and for the aforesaid county, duly authorized to administer oaths, Owen T. Gale, aged forty-four years, a resident of Brockport, in the county of Monroe and State of New York, whose post-office address is Brockport, N. Y., well known to me to be respectable and entitled to credit, and who, being duly sworn, declares in relation to the aforesaid case as follows:

That he is the veritable Owen T. Gale who enlisted under the name of Thomas Mott as heretofore described. That by reason of the opposition exercised by his said mother, late deceased, as also of his two sisters, Mary J. Berry, now of Brockport, N. Y., and Margaret S. Eifler, now of Flatonia, Fayette County, Texas, he was prevented from returning to his command. That had he exercised his own will he certainly should so have done. That the tears and entreaties of his mother and two sisters, coupled with the final threat of his summary arrest by his mother, decided him to reluctantly yield under protest, and for which he is now, as he was then, heartily sorry and mad at himself to think that he did not force the issue, even to resistance. That his age at time of his enlistment was sixteen years. That he has stated the exact truth as to age, which possibly might be verified by a journey to Albany, N. Y., in the archives of the old Catholic rectory of St. Mary's in said city, if in existence. That affiant has not sought, neither does he seek, bounty or pension, but restoration to citizenship that he may, if occasion demands, find a resting place in some soldiers' home before his final crossing to the other side.

OWEN T. GALE.

STATE OF NEW YORK, County of Monroe, ss:

Sworn to and subscribed before me this day by the above-named affiant, and I certify that I read said affidavit to said affiant, including the words erased and the words added, and acquainted him with its contents before he executed the same. I further certify that I am in no wise interested in said case, nor am I concerned in its prosecution, and that said affiant is personally known to me, and that he is a credible person.

[SEAL.]

DELBERT A. ADAMS,

Notary Public in and for Monroe County, New York.

General affidavit.

STATE OF NEW YORK, COUNTY OF MONROE, ss:

In the matter of Owen T. Gale, alias Thomas Mott.

On this 12th day of August, A. D. 1890, personally appeared before me, a notary public in and for the aforesaid county, duly authorized to administer oaths, Mary J. Berry, aged forty-eight years, a resident of Brockport, in the county of Monroe and State of New York, whose post-office address is same, well known to me to be respectable and entitled to credit, and who, being duly sworn, declares in relation to the aforesaid case as follows:

That she has been well and personally acquainted with Owen T. Gale for forty years and over, and that she is the sister of said Gale, alias Thomas Mott, late of Company E, Eighty-first New York Infantry; that her said brother Owen T. Gale ran away from home and enlisted in said company and regiment under the said alias of "Mott," and that this occurred at Waterville, Oneida County, New York, and on or about —

That at the expiration of two years, or thereabouts, said brother came home on furlough, a soldier with his chevrons on as a non-commissioned officer in said company and regiment; that her mother, late deceased, was of course overjoyed to see her son, the said brother, Owen T. Gale.

That her mother and affiant, as also affiant's sister Margaret, then and there determined that said brother Owen T. Gale should never be permitted to return to the Army, furlough or no furlough.

That the mother sought legal counsel, and was informed that minority without consent was an effectual bar to his said enlistment, and that she, his said mother, had the primary right to interpose said plea in his own behalf, claiming the jurisdiction of parental authority, which said interposition would be an effectual bar upon said grounds, as provided by statute, she being a dependent widow and mother.

That the said Owen T. Gale protested to the point of rebellion. That her said mother argued and entreated, which said argument and entreaties were skillfully parried by said son, who pictured to his mother, and the two sisters aforementioned as well, the glowing glories of the "tented field."

That further promotion awaited him, and that he had only to stretch forth his hand to be a commissioned officer.

That the said mother resisted all entreaties and finally interposed the ultimatum that any attempt to leave again for the war would be speedily followed by his arrest and imprisonment by her, saying that she needed his help and demanded it, that if he went back he would be killed anyway, and that this must be an end of all argument, as the parental *ius dixit* was final.

That affiant concurred heartily with the authority which her said mother exercised, as did also her sister Margaret, next younger than herself, the affiant.

That said sister Margaret and affiant held many secret consultations in which many and various schemes were evolved and put in execution for a most complete and perfect system of espionage over said brother.

THIRD GENERAL AFFIDAVIT.

That affiant has every reason to believe, and none to doubt, that said brother would never have allowed said furlough to have lapsed and become vitiated except upon compulsion and restriction. That said compulsion and restriction were imposed by her said mother, who is now dead and gone, together with herself, the affiant, and her said sister Margaret, above mentioned.

That the subject-matter as above related by affiant was a sacred family secret and was only known and talked of between the four persons named, mother,

son, and two daughters, which for obvious reasons was never hinted or breathed outside; hence the inability to furnish outside evidence. Her post-office address is Brockport, N. Y.

MARY J. BERRY.

STATE OF NEW YORK, County of Monroe, ss:

Sworn to and subscribed before me this day by the above-named affiant, and I certify that I read said affidavit to said affiant, including the words erased and the words added, and acquainted her with its contents before she executed the same. I further certify that I am in no wise interested in said case, nor am I concerned in its prosecution; and that said affiant is personally known to me and that she is a credible person.

[L.S.]

DELBERT A. ADAMS,

Notary Public in and for Monroe County, New York.

General affidavit.

STATE OF TEXAS, County of Bexar, ss:

In the matter of Owen T. Gale, alias Thomas Mott.

On this 18th day of August, A. D. 1890, personally appeared before me, a clerk of a court of record in and for the aforesaid county, duly authorized to administer oaths, Margaret S. Eifler, aged thirty-seven years, a resident of Flatonia, in the county of Fayette and State of Texas, well known to me to be respectable and entitled to credit, and who, being duly sworn, declares in relation to the aforesaid case as follows:

That she has been well and personally acquainted with said Gale always, and that she is the sister of Owen T. Gale mentioned above; that the affiant distinctly remembers of the return of her said brother, Owen T. Gale, from the war. She also remembers the opposition which her mother made to his returning to the said regiment at the front.

That by reason of said opposition, coupled with the determined opposition of herself and sister Mary J. Berry, now of Brockport, N. Y., may be attributed the prevention of the return of her said brother to the front at the time he came home on furlough, and most certainly not because he did not wish to return.

That said brother would certainly have returned, as he was a born soldier and talked continually of the chances of promotion.

That it was a sore and grievous disappointment to him to meet with the bitter opposition he did from his mother and sisters for his return.

That it was a family secret, which was only known to his mother, sister, brother, and self, and was never talked of outside the family circle.

MARGARET S. EIFLER.

STATE OF TEXAS, County of Bexar, ss:

Sworn to and subscribed before me this day by the above-named affiant, and I certify that I read said affidavit to said affiant, including the words erased and the words added, and acquainted her with its contents before she executed the same. I further certify that I am in no wise interested in said case, nor am I concerned in its prosecution; and that said affiant is personally known to me and that she is a credible person.

THAD. W. SMITH,

Clerk County Court, Bexar County, Texas,
By R. C. SYMINGTON, Deputy.

The bill was ordered to be engrossed and read a third time; and being engrossed, was accordingly read the third time, and passed.

JAMES A. UNDERWOOD.

Mr. PETERS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 2537) to increase the pension of James A. Underwood.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to increase the pension of James A. Underwood, late of Company B, Eighth Indiana Volunteer Infantry, to \$50 per month.

Mr. KILGORE. Let us have the report.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2537) to increase the pension of James A. Underwood, submit the following report:

Claimant's pension was increased to \$30 by special act of Congress in 1896. The Committee on Invalid Pensions submitted the following report at that time, which is adopted by your committee as a part of this report:

"We find that claimant enlisted August 30, 1861, in Company B, Eighth Indiana Volunteers, and was discharged September 14, 1863.

"February, 1864, he applied for a pension for loss of left arm at battle of Vicksburg, which was granted, and for which he is now receiving a pension of \$24 per month.

"May 23, 1885, he applied for an increase on account of chronic diarrhea and erysipelas, which was rejected on the ground that the combined disabilities were not equal to total inability to perform manual labor. Two of his neighbors swear that he is unable to perform any manual labor whatever. December 4, 1876, Dr. W. W. Spiers, United States medical examiner, says:

"I find that left forearm has been amputated at upper third; considerable sloughing has occurred from gangrene, leaving a stump with very tender cicatrix. Claimant states that two years ago an eruption broke out on his left arm and spread all over his body; continued nine weeks; was confined to his bed four weeks; muscles of leg were contracted; went on crutches for awhile. Last August eruption came out on biceps muscles of left arm; lasted two weeks; comes out in warm weather. I find no eruption now. I think it is not erysipelas, but a vesicular eruption resulting from chronic diarrhea. His gums are badly eaten by scurvy. There is not much emaciation, but his weight is some less than it ought to be. Rated total third grade for loss of arm and \$4 for diarrhea."

"June 24, 1885, the examining board at Ellsworth, Kans., report him suffering with chronic diarrhea, and recommend \$4 per month in addition to his pension for loss of arm. The evidence shows that he is at times confined to his bed for weeks with chronic diarrhea and the resulting eruptions, which he calls erysipelas. The man is a complete wreck, and it would seem that the evidence would entitle him to the full rating given to those totally disabled for the performance of manual labor. The examining boards recommend \$23 per month. There is no such rating provided by law. Your committee recommend the passage of the bill."

Your committee would further state that the evidence shows a decided increase in claimant's disabilities, the chronic diarrhea developing in hemorrhoids causing frequent loss of blood; also fistula in ano of severe form. The combined disabilities without the loss of arm would be sufficient to totally incapacitate the claimant for the performance of any manual labor. As claimant's present rating was fixed by special act, his pension can not be increased by the Bureau of Pensions. Therefore, in view of the above facts, your committee make favorable report and recommend that the bill do pass.

The bill was ordered to be engrossed and read a third time; and being engrossed, was accordingly read the third time, and passed.

MRS. RACHEL WRIGHT.

Mr. STOCKBRIDGE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 7786) granting a pension to Mrs. Rachel Wright.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Rachel Wright, mother of Charles Wright, late a teamster in the United States Army; said pension to commence from the date of his death.

The committee recommend the following amendment:

In line 8, after the word "of," strike out the words "his death" and insert in lieu thereof "approval of this act, at the rate of \$12 per month."

The report (by Mr. MARTIN, of Indiana) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7786) granting a pension to Mrs. Rachel Wright, submit the following report: Charles H. Wright, designated as Charles Wright in the bill H. R. 7786, entered the service of the United States during the autumn of the year 1863 as a teamster in the Quartermaster's Department of the United States Army. On the 26th day of November, 1863, while gathering up the dead and wounded from a field of battle in Fairfax County, Virginia, he was made a prisoner by the enemy, and held and confined as a prisoner of war at Richmond, Va., and afterwards at Andersonville, Ga., where he died on the 4th day of August, 1864, of disease resulting from his imprisonment.

The deceased prisoner was the oldest son of Rachel Wright, the claimant for pension, and she was dependent upon him for support, her other children being infants from four to eleven years of age. The claimant was a widow at the time her son entered the service of the United States, and she has ever since remained unmarried. She is now sixty-four years of age, and by reason of the imprisonment and death of her son she was at times in great distress and suffered from want of the necessities of life. The deceased left no widow or children, never having been married. Applicant has no means with which to support herself.

The fact of the deceased's capture and death are shown by the records of the War Department, as appears by a communication therefrom among the papers on file in this claim.

The committee therefore recommend the passage of the bill, amended, however, by striking out the words, in line 8, "his death," and inserting in lieu thereof the words "approval of this act, at the rate of \$12 per month."

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, was accordingly read the third time, and passed.

Mr. CUMMINGS. Mr. Speaker, I ask unanimous consent to print in the RECORD a few remarks upon the pension bill of the widow of General George B. McClellan.

There was no objection.

MARY A. IRVIN.

Mr. RIFE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 8779) granting a pension to Mary A. Irvin, widow.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Mary A. Irvin, widow of William Irvin, late private Company G, First Louisiana Cavalry.

The report (by Mr. CRAIG) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8779) granting a pension to Mary A. Irvin, submit the following report:

That Mary A. Irvin was married to William Irvin in 1855. William Irvin enlisted in Company G, First Louisiana Cavalry, March 20, 1864, and was discharged March 11, 1865. He was immediately pensioned, which was at time of his death, April 22, 1868, at the rate of \$24 for disease of heart and dropsy. His death was the result of this disease. Mrs. Irvin applied for a pension, but was refused upon the ground that she had been previously married.

The evidence shows that when quite young she had married one Samuel P. Seibert, a minor; that his father threatened prosecution of the officiating minister, who advised her to consent to a peaceable separation. The father of the boy took him home to another county within five days of the marriage, and she, the claimant, assumed her maiden name. That her father in 1863 moved from her home in Perry County, Pennsylvania, to Illinois. She went with him and married William Irvin. That she lived with him as his wife, bore nine children to him, cared for them and him as his loyal wife, and nursed him in his long sickness until he died in 1868. She supposed her infant marriage was null and void always, and never doubted she was Irving's true wife until she made pension claim. That Samuel P. Seibert also, about 1865, married another woman, and at last account of him was living.

Your committee recommend the passage of the bill, in accordance with abundant precedent in similar cases.

The bill was ordered to be engrossed and read a third time; and being engrossed, was accordingly read the third time, and passed.

BELINDA JANE PHILLIPS.

Mr. KILGORE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 9583) pensioning Belinda Jane Phillips.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be directed to place on the pension-roll the name of Belinda Jane Phillips, imbecile daughter of Isaiah Phillips, late of Company F, Thirtieth Iowa Volunteer Infantry, and pay her a pension of \$8 per month, and that the same be paid to and upon the order of Hannah Johnson, of Santa Fé, Kans., who is the natural mother of said imbecile daughter.

The report (by Mr. MORRILL) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9583) granting a pension to Belinda Jane Phillips, submit the following report: Belinda Jane Phillips is the daughter of Josiah Phillips, late of Company F, Thirtieth Iowa Volunteers. Her father died at Vicksburg, February 20, 1863, while in the service. Her mother remarried October 18, 1874.

The claimant drew a pension as the minor child of said soldier until she ar-

rived at the age of sixteen years. She is now twenty-seven years old and is, and has been since her birth, deformed, imbecile, and wholly dependent upon others for support. Since the time of the discontinuance of her pension no one has been receiving a pension on account of said service of Josiah Phillips.

The affidavits of the mother and of two persons who have known the daughter, and are acquainted with the facts, fully substantiate the report.

Your committee therefore recommend the passage of the bill, amended as follows: Strike out all after the word "pay," in line 6, and insert "to her legally constituted guardian for her use a pension at the rate of \$18 per month."

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

ANNA S. SHUMAN.

Mr. OSBORNE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 11641) granting a pension to Anna S. Shuman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension-rolls the name of Anna S. Shuman, late a nurse in the war of the rebellion, and pay her a pension at the rate of \$12 per month.

The report (by Mr. CRAIG) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 11641) granting a pension to Anna S. Shuman, submit the following report:

Anna S. Shuman, shortly after the breaking out of the late war, took upon herself to render aid to the sick and wounded soldiers at the different hospitals in Washington City, and by her labor and contributions aided much toward their relief and comfort, until in August, 1864, she was regularly appointed a nurse by Miss Dix, and assigned to duty at the general hospital at Fortress Monroe, Va.

She faithfully performed her duties in that overcrowded hospital until her health failed, when on March 28, 1865, she received an order from Miss Dix to report to Washington under a sick leave granted her by Surgeon McClellan, as appears from the original order before your committee.

Since leaving the service her only source of income has been that derived from nursing the sick, but being now well advanced in years and still suffering from disease contracted in the service she will be unable before very long to provide for her support by her own labor, and there being no one legally bound to aid in her maintenance, must become an object of charity, unless the Government comes to her assistance.

Your committee therefore recommend favorable action on the bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, was accordingly read the third time, and passed.

EMILY P. COLLINS.

Mr. SIMONDS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 7879) granting a pension to Emily P. Collins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Emily P. Collins, of Hartford, Conn., and grant her a pension of \$8 a month.

The amendment recommended by the committee was read, as follows:

In line 6, after the word "Collins," insert the words "an army nurse." Also in line 7 strike out the word "eight" and insert in lieu thereof the word "twelve."

The report (by Mr. CRAIG) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7879) granting a pension to Emily P. Collins, submit the following report:

The claimant was a volunteer army nurse at the hospital in Martinsburgh, Va., from May, 1864, until late in the fall of the same year, where she performed faithful service in nursing large numbers of sick and wounded soldiers.

Claimant had two sons who did faithful service in the war, one as surgeon, the other as lieutenant and who was severely wounded and died from the same subsequently.

Mrs. Collins was the daughter of a brave soldier of the Revolutionary war. She alleges that no one is now receiving a pension on account of these services to the country. She is now seventy-five years of age, has been a widow for fifteen years, and is now without adequate means of support.

Your committee recommend the passage of the bill with the following amendments: After the name insert "an army nurse," and change the word "eight," in the last line, to "twelve."

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

CHRISTIAN POPE.

Mr. MORRILL. I ask unanimous consent for the present consideration of the bill (H. R. 7251) granting a pension to Christian Pope.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Christian Pope, late a private in Company K, Fifth Regiment of Missouri State Militia Cavalry Volunteers.

The amendment recommended by the committee was read, as follows:

Strike out the letter "o" in claimant's name and insert "a."

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7251) granting a pension to Christian Pope, submit the following report:

Claimant enlisted in Company D, Twelfth Missouri State Militia Cavalry, January 3, 1862; was discharged therefrom on certificate of disability February 28, 1864, said certificate showing that claimant was incapacitated for performance of the duties of a soldier because of varicose veins in his legs; that said disability was three-fourths total, rendering him unfit for service in the Invalid Corps.

Claimant filed application for pension May 22, 1882, alleging that in the fall of 1862, while on a forced march from Jackson to Bloomfield, Mo., and on the second day's march he was first disabled by varicose veins. His claim was rejected at the Pension Office because the certificate of disability for discharge shows that the varicose veins of left leg existed prior to enlistment. Claimant took an appeal, and the Assistant Secretary, in his review, states that claimant admits that he had varicose veins in left leg very slightly previous to enlistment; therefore affirmed former rejection. Several witnesses testify to their intimate acquaintance with him and to his soundness previous to enlistment.

The Adjutant-General's report shows claimant present for duty until September, 1862. Surgeon-General's report shows that claimant was first admitted to hospital in September, 1863. These facts, taken in connection with soldier's date of enlistment, prove that claimant performed his duty as a soldier for about twenty-one months, which is good evidence to your committee that claimant's disability previous to enlistment, if such disability existed, must have been very slight, and the Pension Bureau intimates disability prior to enlistment in left leg only, while the surgeon, in certificate for discharge, says "the dilation is extensive and implicates both legs."

Therefore, your committee are of the opinion that soldier's present disability is very largely due to his service, and recommend that the bill do pass with the following amendment: Striking out the letter "o" in claimant's name and inserting "a," so that the name will be "Pape."

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

The title was amended to conform to the provisions of the act.

FREDERICK HART.

Mr. O'DONNELL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 5213) granting a pension to Frederick Hart.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Frederick Hart, late of Company K, Sixth Michigan Cavalry.

The report (by Mr. BELKNAP) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5213) granting a pension to Frederick Hart, submit the following report:

The claimant enlisted October 13, 1862, and was discharged May 15, 1865, on surgeon's certificate of disability. Thomas H. Helsley, surgeon, who states in his certificate that an extensive exostosis tumor of right femur, lower third, greatly impeding marching and the free use of the limb, unfitting him for service in the Veteran Reserve Corps.

This disease has existed all the time since the war and to the present time. He made application for a pension in 1876, and it was rejected upon the ground that this disability existed prior to his enlistment, but your committee believe this is based upon error, as the man served nearly three years in active service, making heavy marches and engaging in many battles. He claims his disabilities were received at the battle of Falling Waters, Maryland, and your committee believe, from the evidence on file with the claim, that such is the truth, and therefore recommend the passage of the bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

JOHN RAGAN.

Mr. CUMMINGS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 8067) to correct the military record of John Ragan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, directed to remove the charge of desertion now standing against the record of John Ragan, Company F, Ninety-fourth Regiment New York Volunteers, and issue to him an honorable discharge as a private of said company and regiment.

The amendment recommended by the committee was read, as follows:

Add to the bill the following:

"This act shall not authorize any pay, allowance, or bounty to said Ragan for service under such enlistment."

The report (by Mr. LANSING) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 8067) to correct the military record of John Ragan, submit the following report:

The rolls of the Army disclose the fact that John Ragan, Company F, Ninety-fourth New York Volunteers, is recorded as a deserter. It appears by affidavits that Ragan enlisted in said company and regiment in 1861 or 1862; that on or about the month of February said Ragan was taken from said command by writ of *habeas corpus* issued by a justice of the supreme court of the State of New York, since deceased; that no record of said discharge can be found; that said Ragan was when so discharged a minor.

The committee do report that said bill do pass, with the following amendment, to wit:

"This act shall not authorize any pay, allowance, or bounty to said Ragan for service under such enlistment."

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

D. G. SCOOTEN.

Mr. KELLEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 3520) granting a pension to D. G. Scooten.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of D. G. Scooten, late a private in Company H, Fifty-ninth Regiment Illinois Infantry Volunteers, on the pension-roll, subject to the provisions and limitations of the pension laws.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3520) granting a pension to D. G. Scooten, submit the following report:

The claimant was a private in Company H, Fifty-ninth Regiment Illinois Infantry, and was also on detached service in Colonel Ellet's ram fleet on the

Mississippi. It was in the latter service that he claims to have received injury to his back while carrying wood, and for this he asks a pension. The records show that he was in hospital for diarrhea, and his discharge says he was unfit for service on account of dysentery, chronic diarrhea, and an ulcer on his leg. There is no record reference to the disability referred to in his application. The examining surgeon says he thinks his is a case of spinal irritation.

In his declaration he says he became disabled while on detached service with the ram fleet, carrying wood.

The letter of transmission says the case is still pending and awaits evidence of the origin of said injury to back in the service; but it has been briefed for rejection on the ground that there is no record evidence of alleged injury, and the claimant is unable to furnish evidence of origin.

The Adjutant-General's report shows that he first served in the Ninth Missouri Volunteers, subsequently the Fifty-ninth Illinois; that he was present for duty December 31, 1861; February 28, 1862, absent with sick leave; April 30, 1862, on detached service, and subsequently borne as on detached service in Colonel Ellet's ram fleet, from April 30, 1862, until discharged, October 8, 1862, at Cairo, Ill., for disability.

The man's record is good, and it is owing to his varied service and the imperfect reports that he can not furnish the evidence in the form required.

His neighbors and acquaintances testify that he was sound prior to service. Dr. Yarnold says he treated him for injury to his back when he returned from service, and claimant told him it was on account of this injury that he was discharged. His certificate of discharge recites several complaints, but does not mention the injury to his back.

The detached duty to which he was assigned was with the ram fleet on the Mississippi, and consisted in carrying cord-wood on his back to fill a barge in order to protect the ram while passing the rebel batteries at Fort Pillow. He says he is unable to comply with the requirements of the office for the reason that he was on detached service; that James Bockner was the only one on said detached service of his company, and he earns that Bockner was killed in a skirmish in 1863; that Colonel Ellet was wounded at Memphis and died at Cairo; that his son Charles, who was present when he was injured, has since died, and Colonel Ellet's brother, who succeeded him, was killed by accident.

The examining surgeon reports—

"Injury to spine by carrying wood on the shoulder up a gangway plank and slipping. He complains of pain at or about the eighth dorsal vertebra, extending around to the breast, on sitting, standing, or stooping, or in any position if maintained for a short time; weakness of the back, and inability to perform any except light manual labor. Also pain in the night, obliging him to get up and walk about. I think his a case of spinal irritation caused by injury as above stated."

Inasmuch as prior soundness is satisfactorily proven, and the disability was identified by his attending physician immediately after discharge, and its continuance and present existence are shown by the certificate of the examining surgeon, and in view of the difficulty of procuring evidence in the cases of soldiers who have been placed on detached service, the committee are of the opinion that the relief for which the claimant appeals to Congress should be conceded.

The bill is reported favorably, with a recommendation that it do pass.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

ABRAM F. SPRINGSTEEN.

Mr. CHEADLE. Mr. Speaker, I ask unanimous consent to discharge the Committee on Military Affairs from the further consideration of the bill (H. R. 11344) to correct the record of Abram F. Springsteen.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to correct the military record of Abram F. Springsteen, formerly a member of Company A of the Thirty-fifth Regiment of Indiana Volunteers, by removing the charge of desertion therefrom and granting him an honorable discharge, to date December 23, 1861.

Mr. CHEADLE. Mr. Speaker, the facts in this case are these: The beneficiary of this bill, when a little boy, a few days over eleven years of age, enlisted in Company A, Thirty-fifth Indiana Volunteers, as a drummer, and on the 13th of December, 1861, his mother and sister took him home. The report of the adjutant-general of Indiana shows that he was discharged as a minor, but the report of the Adjutant-General of the Army states that he was a deserter.

Again on the 29th day of July, 1862, when he was twelve years and twenty-four days old, he enlisted in Company I, Sixty-third Regiment Indiana Volunteers, and served until June 21, 1865, when he was discharged at Greensborough, N. C., just two days before he was fifteen years of age. I ask that the Committee on Military Affairs be discharged from the further consideration of the bill, and that it be considered at this time; and in this connection I will print in the RECORD a statement made by Mr. Springsteen giving the facts in his case.

The statement is as follows:

WASHINGTON, D. C., July 14, 1890.

To whom it may concern:

I have the honor to state that I was born July 5, 1850, at Brooklyn, N. Y., and went with my parents to Indianapolis, Ind., in 1852, where I resided until September 22, 1862, when I was appointed to a clerkship in the War Department.

At the breaking out of the war, in the spring of 1861, I left school and commenced beating the drum for the various recruiting officers who were engaged in raising troops for the field.

In May, 1861, I endeavored to be enlisted in Company A, of the Eleventh Indiana (three months) Volunteers, but was refused admission on account of my size and age, being at that time not quite eleven years of age. I continued, however, beating the drum for the recruiting officers until the last of August, 1861, when I became acquainted with Capt. Henry N. Conklin, of Company A, Thirty-fifth Indiana Volunteers, then organizing at Camp Morton, and whom I once wanted me to enlist in his company as drummer-boy. I told him I was perfectly willing provided he could have me enrolled.

He then consulted with my father in regard to the matter, and then instructed me to give my age as fourteen years instead of eleven years, which I did, and was finally enrolled and mustered in as drummer-boy of Company A, Thirty-fifth Indiana Volunteers, and served with my command at Camp Morton, Indianapolis, Ind., until the 13th of December, 1861, when my regiment received orders to go South. Being afraid that my mother, who, by the way, had not given consent to my enlistment, would cause me trouble, I said nothing to my folks about our intended departure.

On the evening of December 13, 1861, we broke camp and marched to the Governor's Circle, where the colors were presented to the regiment. We then

marched to the Cincinnati freight depot, where we were to take the train for the South, but were detained about an hour on account of the making up of a train. I was seated on a foot-bridge, conversing with some of my little acquaintances, when all of a sudden my mother and sister, who in the mean time had heard of our intended departure, came upon me, and on pretense of taking me to a bakery to fill my haversack with cakes, etc., took me home instead, and upon the following day I was taken to the house of an uncle, who resided about 20 miles from Indianapolis, where I remained for about two weeks, when, through the kind assistance of a neighboring farmer, I found my way back to Indianapolis, and while endeavoring to ascertain the destination of my regiment was again captured by my parents, and this time taken to the house of an uncle who resided about 40 miles from Indianapolis and about 12 miles from the railroad station; here I was compelled to remain until about the middle of May, 1862, when on account of a death in my father's family I was taken home, and upon promising to keep away from the soldiers was permitted to remain. Not being used to idleness I soon thereafter secured employment at the United States arsenal, assisting in the manufacture of ammunition, at which I continued until about the last of June, 1862, when I offered to beat the drum for an officer who was recruiting a company of soldiers, and who had a tent pitched in the old State-house yard, just across the street from the arsenal.

When the company was completed I was offered the position of company drummer, provided I could secure the consent of my parents, and upon returning to my home I stated the facts to them, and also informed them that if they would not give consent to my enlistment I would certainly run away from home. This sudden and unexpected announcement on my part had the desired effect, and upon the 20th day of July, 1862, at the age of twelve years and twenty-four days, I was enrolled as drummer-boy of Company I, Sixty-third Regiment Indiana Volunteers, and served faithfully with my command until June 21, 1863, when honorably discharged with my company at Greensborough, N. C., returning to my home at Indianapolis, Ind., on the 3d day of July, 1863, just two days prior to my fifteenth birthday.

During the Georgia campaign, and just prior to the battle of Kennesaw Mountain, I met the Thirty-fifth Indiana Volunteers, to which I had formerly belonged, and upon inquiring for a young drummer-boy by the name of Justice, was informed that upon the arrival of the regiment at Bardonia, Ky., about December 15 or 16, 1861, he as well as myself was discharged as a minor, and the printed adjutant-general's report of Indiana, volume 5, page 132, confirms this report, and upon the strength of this I applied on the 20th day of June, 1890, to the Adjutant-General United States Army for a discharge certificate as of Company A, Thirty-fifth Indiana Volunteers, and in due time I was informed by the Secretary of War that I am charged with deserting my command at Jeffersonville, Ind., which is certainly an error, as I never left Indianapolis with the Thirty-fifth Indiana Volunteers, but was stolen away by my mother and sister upon the night of its departure for the South, December 13, 1861, and through no fault of my own was forcibly detained from my command.

I desire also to state that the photograph inclosed with the papers in my case is an enlarged copy from an ambrotype, which was taken in September, 1861, the original of which may be seen at any time.

Very respectfully, your obedient servant,

ABRAM F. SPRINGSTEEN,
Clerk, Class 1, Surgeon-General's Office.

Subscribed and sworn to before me this 14th day of July, A. D. 1890.
[SEAL.] J. A. TERREY, Notary Public.

Mr. CUTCHEON. Mr. Speaker, although this bill has not been reported to the committee, I have examined it myself and am satisfied it is a proper case for relief.

The SPEAKER *pro tempore*. Is there objection to the request that the Committee on Military Affairs be discharged from the further consideration of this bill and that it be considered in the House? The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN GEORGE.

Mr. KILGORE. I ask for the present consideration of the bill (H. R. 4236) pensioning John George.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be authorized to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John George, dependent father of — George, late of Company H, Fourteenth Illinois Volunteers, now deceased. Residence of father is at Ingalls, Kans.

The report (by Mr. MORRILL) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4236) pensioning John George, submit the following report:

John George, the claimant, is the dependent father of Lafayette George, deceased, who enlisted in Company H, Fourteenth Illinois Infantry, May 23, 1861, and was discharged June 13, 1864. Claimant filed application for pension as dependent father of deceased soldier November 20, 1879, alleging in declaration that his son, Lafayette George, died from the effects of chronic diarrhea on the 1st day of January, 1865, at Bloomington, Ill., and that said disease was contracted while in the service. Also that he was dependent upon his son for support.

The testimony in the case corroborates claimant's allegations as to dependence, he being at the time of soldier's death and ever since in reduced financial circumstances. Claimant furnishes no positive proof that his son's death was due to his service, for which cause his claim was rejected at the Pension Bureau. There being no records on file of soldier's regimental hospital, therefore his inability to show record of incurment; but the fact of the prevalence of chronic diarrhea in the service and the soldier's death from that disease in less than seven months after discharge is strong presumptive evidence that the disease was contracted in the service. The evidence shows that claimant has no means for support; that he is eighty years old, and physically unable for the performance of any kind of labor.

Your committee recommend the passage of the bill with the following amendment: In line 6, after the word "of," insert "Lafayette."

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MRS. LETITIA STAENGLER.

Mr. STOCKBRIDGE. I ask that the bill (H. R. 11534) to pension Mrs. Letitia Staenglen may be considered at this time, and I desire to

say in connection with it that it has been favorably reported by the Committee on Pensions and appears on the Calendar. The printed report is not in the document-room. I ask for the consideration of the bill at the present time and that the report be printed in the RECORD.

The SPEAKER *pro tempore*. Does the Chair understand that this bill has been reported by the committee?

Mr. STOCKBRIDGE. The bill has been reported.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Letitia Staenglen, widow of Gustav Adolph Staenglen, late a private in Company G, Ninth United States Infantry.

The report (by Mr. BROWNE, of Virginia) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 11534) granting a pension to Mrs. Letitia Staenglen, have considered the same and report as follows:

The claimant's late husband, Adolphus Staenglen, was a private in Company G, Ninth U. S. Infantry, and served from April 21, 1855, to May 14, 1858. He died of cancer of the stomach, December 17, 1857, and his widow filed an application for pension December 10, 1889, declaring that said disease was the result of his military service.

The records of the Surgeon-General, United States Army, show that the soldier was treated during his term of service for diarrhea, furunculus, intermittent fever, chronic ulcers, pulmonary catarrh, scorbatus, and rheumatism, but the attending physician's certificate of death stating that the cancer was of a year's duration at time of death, the Pension Bureau rejected the widow's claim on the ground that the fatal disease was not due to the soldier's military service.

Accompanying the bill is the testimony of Gustav Garrell to the effect that he was a member of the same company with the deceased soldier and knows that he was discharged the service on account of disability, which disability continued to the time of his death.

James L. Ridgely, of Baltimore, Md., certifies that the soldier, Adolph Staenglen, was in his employ much of the time during a period of twelve years, and that he (Staenglen) was often compelled to stop work on account of chronic disability, apparently of long standing, causing general weakness and principally affecting the spine; also that the soldier was a worthy, honest, and sober man.

William E. Clements, guardian of the claimant's and soldier's five children, swears that Mrs. Staenglen has no other means of support than her manual labor; also, that the children are in part now, and shortly will be wholly, dependent upon her.

In view of the hospital record and other evidence, your committee think it fair to presume that the disease which resulted in the soldier's death had its origin in his military service, and the bill is therefore returned with a favorable recommendation.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ELIZABETH M. AYARS, FORMERLY ELIZABETH M. SUTTON.

Mr. BERGEN. I ask for the present consideration of the bill (H. R. 11257) granting a pension to Elizabeth M. Ayars, formerly Elizabeth M. Sutton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be authorized and directed to put upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth M. Ayars, widow, formerly Elizabeth M. Sutton, widow of James C. Sutton, of Company D, Tenth New Jersey Volunteers.

The report (by Mr. BELKNAP) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 11257) granting a pension to Elizabeth M. Ayars, submit the following report:

The claimant was the widow of James C. Sutton, Company D, Tenth New Jersey Infantry, and who died while in the service March 7, 1862, and she was pensioned as such widow until her remarriage with one William J. Ayars on the 3d day of September, 1865, at which time said pension ceased. She continued as the wife of the said William J. Ayars until his death, which occurred June 23, 1890. By the death of this second husband she is left in her old age in a dependent position, and as it has become customary to restore to the pension-roll applicants of this nature your committee recommend the passage of the bill.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM W. CARTER.

Mr. WHEELER, of Alabama. I ask for the present consideration of the bill (H. R. 10666) to remove the charge of desertion and grant an honorable discharge to William W. Carter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and is hereby, authorized and directed to restore to the rolls of Company A, Fourteenth Regiment Missouri State Militia Cavalry, the name of William W. Carter, heretofore dropped as a deserter, and grant to said William W. Carter an honorable discharge from said service.

The report (by Mr. CAREY) is as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 10666) to relieve William W. Carter from the charge of desertion, would report—

That the military record of such soldier shows he deserted from Company A, Fourteenth Missouri State Militia Cavalry, July 10, 1864. At this time he had served two years and ten months. He almost immediately re-enlisted in Company G, Sixteenth Missouri Cavalry Volunteers, and was mustered out with the same company July 1, 1865. The soldier states he had been arrested under a misapprehension of facts and deserted from the guard-house.

Your committee believe that, in view of the record evidence that this soldier served from January, 1863, to July, 1865 (excepting an interval of a few days), he should be granted the relief asked, and the single blot in a long service should be expunged, and therefore recommend that the bill do pass.

An abstract of the military record of said William W. Carter is submitted herewith.

Case of William W. Carter, private, Company A, Fourteenth Missouri State Militia Cavalry, subsequently Company L, Fourth Missouri State Militia Cavalry; also of Company G, Sixteenth Missouri Cavalry Volunteers, in violation of twenty-second (now fiftieth) Article of War.

RECORD AND PENSION DIVISION, January 29, 1890.

The records show that Wallace C. Carter, private, Company A, Fourteenth Missouri State Militia Cavalry Volunteers, was enrolled and mustered in January 24, 1862, in Dallas County, Missouri, to serve during the war in Missouri. On all rolls subsequent to April 30, 1862, he is borne as William W. Carter.

The Fourteenth Regiment Missouri State Militia Cavalry Volunteers was disbanded early in 1863, and the members transferred to the Fourth and Eighth Regiments Missouri State Militia Cavalry Volunteers, three years' organizations; Company A (and with it William W. Carter) was assigned to the Fourth Missouri State Militia Cavalry, and designated as Company L of that regiment February 4, 1863.

The record shows that he deserted July 24, 1862; returned (probably voluntarily) August 3, 1862, and was restored to duty by Major Sullivan. With this exception his record under this enlistment appears to be very good, until he finally deserted on July 10, 1864, and did not return. (At this time he had already served two years and nearly six months.)

On August 1, 1864, he again enlisted, as William W. Carter, in Company G, Sixteenth Missouri Cavalry Volunteers, at Hartsville, to serve "twenty months from November 1, 1863." His record in this organization appears to be good. He was mustered out with his company July 1, 1865, at Springfield, Mo., but, as his enlistment in the Sixteenth Missouri Cavalry Volunteers was in violation of the twenty-second (now fiftieth) Article of War and as existing law affords no relief in this case, because his enlistment in the Sixteenth Missouri Cavalry Volunteers appears to have been made for the purpose of securing bounty or other gratuity to which he would not have been entitled under the terms of his original enlistment, the War Department has heretofore (in October, 1888) denied his application for removal of the charge of desertion from his record.

The provisions of the act of Congress approved March 2, 1889, do not alter the status of this case.

In an affidavit dated August 27, 1889, this man stated that at the time he left the Fourteenth (Fourth Missouri State Militia Cavalry) he had been arrested under a misapprehension of facts on the part of an officer, was confined in the guard-house, and broke out of said guard-house at the time of his desertion, and at once enlisted in the Sixteenth Missouri Cavalry Volunteers.

No other pertinent testimony in this case is on file at the War Department. H. R. bill 1006, Fifty-first Congress, first session, has been introduced to remove the charge of desertion and issue an honorable discharge to him as of his first enlistment.

Respectfully submitted.

F. C. AINSWORTH,
Captain and Assistant Surgeon, U. S. Army.

THE SECRETARY OF WAR.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ORDER OF BUSINESS.

MR. MORRILL. I now call for the regular order, and ask unanimous consent that the Committee of the Whole may be discharged from the consideration of the bills which will be reached on the Calendar and that they be considered in the House.

There was no objection, and it was so ordered.

SOLOMON SMITH.

The first business on the Private Calendar was the bill (H. R. 8445) granting a pension to Solomon Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension-roll the name of Solomon Smith, late a private in Company D, Eleventh Regiment Kentucky Infantry Volunteers.

The report (by Mr. BELKNAP) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8445) granting a pension to Solomon Smith, submit the following report:

Solomon Smith enlisted in Company D, Eleventh Kentucky Infantry, on the 14th day of September, 1861, and faithfully served with his command until April 30, 1862, when he was sent to hospital in Nashville for treatment for chronic diarrhea and piles.

On the 6th of November, 1862, he was discharged for disability, his certificate bearing the following indorsement:

I certify that I have carefully examined Solomon Smith, private of Captain Peay's company, and find him incapable of performing the duties of a soldier, because of chronic diarrhea of nine months' duration, and acites.

HUGH MULHOLLAND,

Surgeon in Charge of General Hospital No. 8, at Nashville.

In 1860 Mr. Smith moved to Bad Axe, Mich., from his home in Kentucky. In 1867 he applied for a pension, but can not secure an allowance of claim on account of his inability to secure the testimony of neighbors and friends in Kentucky as to continuance of disability after service. He has written many letters to ascertain the whereabouts of his former neighbors, but his efforts have proven fruitless.

He is unable to make a personal search for this testimony on account of his destitute circumstances, witnessed by the fact that he is in the poor-house. Ever since his arrival in Bad Axe he has been treated for chronic diarrhea and hemorrhage of the bowels by Dr. William H. Deady, who testifies that he is a complete wreck and almost helpless, and that his lower limbs are partially paralyzed, as a result of his rectal troubles.

The medical examination shows an extreme condition of disability arising from the causes for which Mr. Smith was discharged. The petitioner is now seventy-one years old.

Your committee have carefully examined this case and believe this soldier justly entitled to the relief sought. We therefore return the bill with the recommendation that it do pass.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE R. WRIGHT.

The next business on the Private Calendar was the bill (H. R. 6635) for the relief of George R. Wright.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of George R. Wright, late captain of Company F, Forty-seventh Wisconsin Infantry, and that he be granted an increase of pension at the rate of \$75 a month.

The report (by Mr. BELKNAP) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6635) for the relief of George R. Wright, report that they have had the same under consideration, and find that at the time of his enlistment he was a resident of the city of Milwaukee, in the State of Wisconsin, and, being but about eighteen years of age, duly enlisted and was enrolled in the service of the United States on or about the 23d day of December, 1862, at Milwaukee, in Company K, of the Thirty-fourth Regiment of Wisconsin Volunteer Infantry; was immediately transferred to Company F, and on September 14, 1863, was commissioned second lieutenant of the Fourth Wisconsin Battery of Light Artillery; on January 6, 1865, was commissioned second lieutenant of Company F, Forty-seventh Wisconsin Volunteer Infantry; on February 16, 1865, was commissioned captain of said Company F, Forty-seventh Wisconsin Volunteer Infantry, and was honorably discharged at Nashville, Tenn., on September 4, 1865.

That said George R. Wright, while in the service of the United States, and while on a scouting expedition, marching from Tallahoma to Stevenson, Ala., in April, 1865, was, for a period of from ten to fifteen days, continually exposed to wet and cold, without proper blankets and food; that up to the time of enlisting, and during the war until the above-mentioned exposure, said Wright was strong and healthy, but during said exposure and thereafter he was afflicted with rheumatism and neuralgic pains in the head and limbs and severe pains in the back and hips, as is shown by the evidence of comrades and commanding officers; that since his said exposure he has ever been subject to periodical attacks of neuralgia and severe pains in back and head, ever increasing in frequency and severity and in their wasting effect on his nervous system, and that this baneful disease, finally culminating in spinal irritation and locomotor ataxia, resulted in loss of control of the muscles, incoherency of speech, severe and frequent convulsions, and an enfeeblement and breaking down of the mind, which resulted in insanity in about the year 1881, which has now become incurable.

That the examining board at Kalamazoo, Mich., on December 15, 1886, examined said claimant and certified that he was insane, wholly incapacitated from all manual or mental labor, and required a constant attendant.

That said Wright was declared insane and admitted to the asylum at Watouosa, Wis., and that he has ever since and still is an inmate of that asylum. In April, 1889, M. J. White, superintendent of said asylum, at the request of the Bureau of Pensions, made a minute description of said Wright's condition, stating in substance that his symptoms presented all the evidence of general paresis; that he had no lucid intervals; that he required the constant services of an attendant for a long time after his convulsive attacks; and, "cause of disease presumably mental strain and exposure in service."

That said George R. Wright was pensioned for disease of the nervous system from November 8, 1886, at \$24 per month. In July, 1889, he was granted an increase to \$30, dating from April 5, 1889. Declaration for further increase, on ground of total disability, filed January 23, 1889, rejected because "insanity not shown to be result of pensioned cause. The length of time of its occurrence after service—nearly twenty years—would militate its acceptance." (See opinion of Dr. M. T. White, superintendent of insane asylum.) But Dr. White says "that the present insanity was caused presumably by mental strain and exposure in the service."

That said George R. Wright has a wife and three children dependent upon him for support. That his mother, Jane Evelyn Wright, his guardian, although with scant means and well along in years, is called upon to almost wholly support said claimant's wife and children, as well as to contribute to his maintenance in the asylum, said pension of \$30 a month not being sufficient to support and clothe him at said institution.

In view of these circumstances your committee are of the opinion that said George R. Wright ought to be granted an increase of pension, and therefore recommend the passage of this bill.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM L. HURST.

The next business on the Private Calendar was the bill (H. R. 9595) for the relief of William L. Hurst, of Wolfe County, Kentucky.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed and authorized to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William L. Hurst, of Wolfe County, Kentucky, at the rate of \$50 per month.

The report (by Mr. WILSON, of Kentucky) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9595) granting a pension to William L. Hurst, submit the following report:

William L. Hurst, of Wolfe County, Kentucky, having been duly authorized to recruit a company for service in suppressing the rebellion, he had recruited twenty-three men who had been supplied with arms by Richard Apperson, Jr., then a United States commissioner by authority of the War Department. While encamped in Wolfe County, Hurst and his men, on the 5th day of May, 1862, engaged in a fight with a company of Confederates, in which, at the hands of the enemy, Hurst received a direct front shot in his right eye, destroying same, the bullet still remaining in his head, and at the same time was wounded in the shoulder. Wounded and suffering he, with his aged father, to whose house he had been taken, were captured and taken, night and day, horseback and afoot, 250 miles to Abingdon, Va., where they were handcuffed and confined in the jail for a month, and afterwards taken to Richmond and other points within the Confederacy, where they were confined, Hurst all this time suffering with his wound and receiving no medical treatment.

After remaining in Confederate prisons for about six months Hurst and his father were exchanged. Mr. Hurst says that during his capture and imprisonment he suffered for want of food and medical attention; that he had \$100 taken from him; that he was cruelly treated, from all of which he has never recovered. He is a lawyer by profession, is well known in his section, and any statement he makes concerning this matter can be fully relied on. He makes the following statement:

"The bullet by which I lost my right eye is still in my head and must be near my brain, judging from the terrible giddy spells I from time to time have with my head. Whilst my health permitted to attend to my business regularly I did not and would not entertain the idea of seeking a pension. Recently my health has become so much impaired from the bullet in my head that I am unable any longer to regularly or safely transact my ordinary and necessary business, as exposure to the weather and travel greatly affects me, and from the giddiness of my head caused by said wound I can not often travel on the railroad or any fast conveyance."

Mr. Hurst and his company had never been mustered into United States service, although they had been furnished arms by order of the War Department.

Mr. Hurst is near sixty-one years of age. In view of all the facts and there being precedents for same, your committee report back said bill with the recommendation that same be passed, with an amendment, by striking out all after the word "Kentucky," in sixth line.

MR. KILGORE. What would be the effect of that amendment?

The SPEAKER *pro tempore*. It would place him on the pension-rolls, subject to the provisions and limitations of the pension law.

Mr. KILGORE. How much would that give him?

Mr. MORRILL. That would depend upon the disability. He would be examined by the surgeons.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ISRAEL R. PIERCE.

The next business on the Private Calendar was the bill (H. R. 9615) for the relief of Israel R. Pierce.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-rolls, subject to the provisions and limitations of the pension laws, the name of Israel J. Pierce, late private Company H, Seventh Ohio Volunteer Cavalry.

The report (by Mr. YODER) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9615) for the relief of Israel R. Pierce, submit the following report:

Israel J. Pierce enlisted as a private soldier in Company H, Seventh Ohio Volunteer Cavalry, September 3, 1862, and was discharged June 29, 1865. He was a good soldier and served his country faithfully. He was enlisted at Marietta, Ohio, and was mustered out at Nashville, Tenn., July 4, 1865. While he was on his way to Marietta, on or about the 6th of July, 1865, at or near Chillicothe, and while riding on the car which was transporting him home, and while the train was moving, he was struck in the eye with a piece of cinder, causing total blindness of the eye and greatly affecting the other eye.

This disability became permanent, and the soldier is suffering severely with it, and the only question that could have affected his right to a pension in the Pension Office long ago was the mere fact that he had been actually mustered out of the service before receiving the injury.

Your committee is of the opinion that it is drawing too fine a sight for the Government to say he is not in the line of duty when he is being transported home to the place of his enlistment. We therefore are of the opinion that he is entitled to a pension and recommend the passage of this bill.

The SPEAKER *pro tempore*. The Chair would ask the chairman of the Committee on Invalid Pensions if he is certain as to what the party's name is. There seems to be a difference between the caption and body of the bill.

Mr. MORRILL. What is the difference?

The SPEAKER *pro tempore*. In the title the name is given as Israel R. Pierce; in the body of the bill it is given as Israel J., and in the report it is given as Israel J.

Mr. MORRILL. The gentleman from Michigan thinks "Israel R." is right.

The SPEAKER *pro tempore*. Then the question is on amending the bill so as to agree with the title in the particular indicated.

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM M. PORTER, ALIAS WILLIAM S. MACKAY, DECEASED.

The next business on the Private Calendar was the bill (H. R. 4184) to amend the military record of William M. Porter, alias William S. Mackay.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to amend the military record of William M. Porter, alias William S. Mackay, now deceased, so that the same shall show that he was involuntarily and unavoidably absent from his command and duties as a second lieutenant of the Twenty-ninth Regiment United States Infantry, by reason of insanity, instead of absent without leave, from July 18, 1868, to December 21, 1869.

The report (by Mr. OSBORNE) is as follows:

Your committee, to whom was referred the bill (H. R. 4184) to amend the military record of William M. Porter, alias William S. Mackay, submit the following report:

The facts in this case are fully embraced in the report of the Adjutant-General submitted herewith, and from which it appears, to the satisfaction of your committee, that the records of the War Department should be so amended as to show that said William S. Mackay, alias William M. Porter, now deceased, was unavoidably absent from his command, which is the overt act for which his pay was suspended for a period of about eighteen months, it appearing to your committee beyond question that at the time he so absented himself he was laboring under mental derangement, and was therefore not responsible for his conduct. We would therefore recommend that the bill do pass.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, April 12, 1890.

SIR: I have the honor to return herewith a communication from the chairman of the Committee on Military Affairs, House of Representatives, inclosing and requesting information, suggestions, etc., concerning a bill (H. R. 4184) to amend the military record of William M. Porter, alias William S. Mackay, deceased, late first lieutenant, Third Infantry, so as to show that he was involuntarily and unavoidably absent from his command while a second lieutenant in the Twenty-ninth Infantry from July 18, 1868, to December 21, 1869, instead of absent without leave, as now shown by the records.

William S. Mackay served as an enlisted man in the Third Massachusetts Cavalry from April 8, 1864, to September 29, 1865, and in the Eleventh United States Infantry from October 24, 1865, to September 11, 1866, when he accepted an appointment as second lieutenant, Eleventh Infantry. He was transferred to the Twenty-ninth Infantry September 21, 1866; became unassigned April 29, 1869; was assigned to the Third Infantry March 22, 1870; promoted first lieutenant November 4, 1872, and resigned February 15, 1873.

As a commissioned officer he served with his regiment in Virginia from September 11, 1865, to April 19, 1867; on registering duty at Marion, Va., to October 30, 1867; with his company at Lynchburg, Va., to December 23, 1867; as military commissioner at Hillsville, Va., to July 18, 1868, during which latter period he was also acting assistant adjutant-general subdistrict of Lynchburg, from May 30 to July 18, 1868; absent without leave to December 21, 1869; awaiting

orders to March 22, 1870, when assigned to Third Infantry, which he joined April 12, 1870; served with that regiment in the Indian Territory to some time in October, 1871; at Fort Lyon, Colorado (being also acting assistant quartermaster and acting commissary of subsistence) to January 1, 1873; and on leave of absence until date of resignation.

The records simply show that, as a matter of fact, Lieutenant Mackay was technically "absent without leave" from July 18, 1868, to December 21, 1869, nearly eighteen months, but the circumstances of his absence indicate very plainly that when he left his post, and for quite a long period afterwards, he was mentally irresponsible for his actions. It was understood he was never able to draw any pay for the period of his absence on account of said record of absence without leave.

Annexed hereto is a copy of the report of this office, dated October 27, 1882, on the application of Lieutenant Mackay (Wm. M. Porter) for a change in his record, with the action of the Secretary of War thereon, which report sets forth the action taken on former applications of the same character. His claim was again presented in October, 1889, accompanied by additional evidence of his mental incompetency and irresponsibility at the time of his unauthorized absence, as well as evidence showing that he was insane at times after leaving the military service, and that he became insane early in the summer of 1889, and while in that condition left the United States, became involved in trouble in Belfast, Ireland, and finally died in a hospital at that place.

The Secretary of War decided, after considering this last application, that Congress is the only authority which can, under the facts set forth, properly provide for an amendment of the record or an allowance of the pay to which he would have been entitled in case the record of absence without leave had not been made.

Had Lieutenant Mackay been apprehended in 1868, before leaving the country, and been found to be insane, he would doubtless have been placed in a hospital or asylum and allowed pay the same as if on duty.

Copies of all the papers which appear to be necessary to a full understanding of the case in its present status are transmitted herewith.

Very respectfully, your obedient servant,

CHAUNCEY MCKEEVER,
Acting Adjutant-General.

The SECRETARY OF WAR.

Copy of report and action upon an application of William Mackay Porter, addressed to the Adjutant-General, October 20, 1882, for the removal of the charge of absence without leave against his record as an officer of the Army from July 18, 1868, to December 21, 1869.

[Report of Adjutant-General to the Secretary of War.—Case of William Mackay Porter, late William S. Mackay.]

ADJUTANT-GENERAL'S OFFICE, October 27, 1882.

He served as an enlisted man in the Third Massachusetts Cavalry, from April 8, 1864, until September 29, 1865, when he was mustered out with the regiment as sergeant-major. He next enlisted in the regular Army October 24, 1865, and was assigned to Company D, Third Battalion, Eleventh Infantry, with which he served until September 11, 1866, when he was discharged as first sergeant by reason of appointment as second lieutenant, for which appointment he was recommended by many officers of his regiment. He was transferred to the Twenty-ninth Infantry September 21, 1866, and while an officer of this regiment he left his command at Lynchburg, Va., July 18, 1868, and remained absent therefrom without authority until December 21, 1869, when he reported in person to the Adjutant-General in this city and explained his absence as follows:

That on July 18, 1868, while laboring under temporary mental aberration, brought on by pecuniary difficulties, he left his post at Lynchburg, and after wandering purposelessly from city to city he found himself in New Bedford, Mass., where he shipped as cook on board a whaling vessel; that after being some time at sea he came to his senses, and, realizing what he had done, surrendered himself in February, 1869, to the United States consul at Port Louis, Mauritius, the vessel's first port of call; that being out of means and being unable to return to the United States he remained at Port Louis until October 22, 1869, when, with the assistance of the consul, he sailed for the United States, where he arrived December 18, 1869, and reported to the Adjutant-General December 21, 1869.

In view of the peculiar and mitigating circumstances under which he left his command, his explanation of which and of his subsequent wanderings being in part corroborated by the official records, a recommendation that Lieutenant Mackay be dropped from the rolls as a deserter was recalled by the Secretary of War and he was placed on waiting orders, without trial, from December 21, 1869, date he reported to the Adjutant-General. He remained on this status until March 22, 1870, when he was assigned to the Third Infantry; was promoted first lieutenant, Third Infantry, November 1, 1872, and his resignation as such was accepted to take effect February 15, 1873. In September, 1878, the Second Auditor asked for the military history of Lieutenant Mackay, stating that he claimed pay from July 18, 1868, to December 21, 1869, and was informed that he was borne on the records as absent without leave for the period in question, and the Second Auditor was again so informed in June, 1882.

Mr. Porter (formerly Lieutenant Mackay) now reports the circumstances of his leaving his command, etc., and requests that the charge of absence without leave be removed; that if it is not in the power of the Adjutant-General to change the record, this application be submitted for the action of the Secretary of War. Mr. Porter cites section 1265, Revised Statutes, which says that "officers when absent without leave shall forfeit all pay during such absence unless the absence is excused as unavoidable." He claims that his restoration to duty after his acquittal by the Department of intentional wrong, his subsequent promotion, and his being intrusted with responsible duties practically excused his absence as unavoidable.

Mr. Porter claims, and there is nothing of record to disprove the claim, that there was no reason why he should have willfully absented himself so long without leave, but every reason why he should not have done so. He raises the point that, as an officer who is insane can not legally resign, so, by analogy, an officer can not willfully absent himself from his post and duties when insane.

In February, 1872, on a question as to Lieutenant Mackay's status for longevity pay, it was decided by the then Secretary of War, through the Adjutant-General, that Lieutenant Mackay was not entitled to pay for the period while absent, but would be allowed credit therefor in computing length of service.

Respectfully,

R. C. DRUM, Adjutant-General.

The action of the Secretary of War in this case, which was communicated by letter to Mr. Porter November 1, 1882, was as follows:

This question having been determined by the Secretary of War in 1872, the present Secretary of War declines to take further action.

R. C. DRUM, Adjutant-General.

ADJUTANT-GENERAL'S OFFICE, October 27, 1882.

AMERICAN BARK CLEONE,
Harbor of Port Louis, Mauritius, March 2, 1869.

SIR: I have the honor to lay before you, as the representative of the United States at this port, the following statement:

I am a lieutenant in the Twenty-ninth Regiment of regular infantry in the

service of the United States of America, commissioned as such on the 16th day of August, 1866, while serving as an officer of volunteers during the late war. On the 18th day of last July, while serving as assistant adjutant-general on the staff of Bvt. Maj. Gen. O. B. Willcox, United States Army, commanding the district of Lynchburg, Va., I left Lynchburg, without leave, on the evening train for Bristol, Tenn., my accounts with the Government unsettled and without notice or a word of farewell to my family or friends. After a few weeks of purposeless wandering through the States and Canada, I found myself in New Bedford, when, destitute of money and too foolish to give myself up and apply to my friends, I was induced to ship on the bark Cleone for a whaling voyage as cook under the assumed name of William Porter. I have left my wife and child without any warning or provision, deserted the service of the United States, and am in addition a defaulter to a considerable amount until I can settle my accounts.

I can only account for my whole conduct by believing that I was temporarily insane. I had been to sea a little when a boy, and this, with the kind assistance of the steward, who knew my story, enabled me to do my work without detection, although I was utterly ignorant of cooking. The news of my flight and defection was published in all our papers of the 24th or 25th of July with orders for my arrest. My only hope now is to get back home as soon as possible and stand my trial, as my friends are willing and able to relieve me from my pecuniary responsibility. Captain Luce has treated me most kindly, and I would have confided in him, but from the menial position I occupy conversation with him is difficult.

I would not wish the owners of the vessel to lose a cent by me, and would give Captain Luce a draft of New York or England for the amount of my indebtedness to the ship, which draft would be promptly and cheerfully paid on presentation. I would therefore ask you to permit me to surrender myself to you and to send me home for trial. I would cheerfully accept any employment ashore which would support me until you could communicate with Washington if you considered it necessary. If you will grant me the favor of a personal interview at your office I think I can convince you of the entire truth of my representations. As an officer in the United States service I can not longer act as cook of a whaler. Anxiously awaiting an early answer to this communication.

I am, sir, very respectfully, your obedient servant,

WILLIAM S. MACKAY,
Lieutenant, Twenty-ninth Infantry, U. S. Army.

UNITED STATES CONSUL, Mauritius.

UNITED STATES CONSULATE,
Port Louis, Mauritius, March 10, 1869.

SIR: On the 27th February last the whale-ship Cleone, of New Bedford, Mass., Capt. Hervey E. Luce, arrived at this port from cruising. On the day after her arrival I received a letter from the cook of the vessel, signed William G. Mackay, informing me that he had been a lieutenant in the United States Army, and attached to the Twenty-ninth Regiment of Infantry, and that while acting on the staff of Maj. Gen. O. B. Willcox he deserted the service, as he was a defaulter to the United States in many thousands of dollars, and wished me to arrest and send him home for trial.

On the receipt of this letter I ordered Mackay ashore and he confirmed the statement made in his letter. He also informed me that the account of his defection and desertion was published in the newspapers in July last, but on looking over a file of papers in this office I could find no account of it.

As I had nothing to prove his statement I concluded to let him proceed in the vessel to sea.

The ship will cruise between this and Madagascar for the next six months, and will probably at the expiration of that time enter this port again.

If Mackay's statement is true and the Government wish to have him arrested and sent home, I will, on receipt of advice from the Department, do everything in my power to further the ends of justice.

Please find the original letter of Mackay to me, a copy of which is on file in this office, marked Inclosure No. 1.

I have, etc.,

NICOLAS PIKE, United States Consul.

ANGEL ISLAND, CAL., June 29, 1869.

GENERAL: Having serious doubts of the sanity of Lieut. W. S. Mackay, who deserted from the Twenty-ninth Infantry at Lynchburg, I am constrained to recommend that his name be dropped from the rolls of the Army without further action. Your attention is invited to the opinion of Assistant Surgeon Rose, accompanying this letter.

Very respectfully, your obedient servant,

O. B. WILLCOX,
Brevet Major-General and Colonel,
Late Commanding Twenty-ninth Infantry.

General E. D. TOWNSEND,
Adjutant-General of the Army, Washington.

RICHMOND, July 9, 1869.

GENERAL: I have the honor to inclose herewith a communication from General Willcox, late commanding Twenty-ninth Infantry, in the case of Lieut. W. S. Mackay.

In my opinion Lieutenant Mackay exhibited symptoms of derangement for at least three weeks previous to his desertion. Up to this time he had been very sociable and was esteemed and respected by all who knew him. His devotedness to his wife and family was a subject of comment by all.

During the three weeks prior to leaving he kept himself aloof from everybody and acted so entirely different as to give rise frequently to the remark that "Mackay was changed."

He had become to some extent, as I afterwards learned, involved in debt, and this, I believe, acting on a disordered brain, drove him to take the step he did. I agree entirely with the opinion of General Willcox, and would respectfully urge that his recommendation in the case be carried out.

Very respectfully, your obedient servant,

GEORGE S. ROSE,
Assistant Surgeon, United States Army.

General E. D. TOWNSEND,
Adjutant-General United States Army, Washington, D. C.

No. 1876.—Certificate of non-indebtedness. Issued to W. S. Mackay.

TREASURY DEPARTMENT, THIRD AUDITOR'S OFFICE, July 13, 1869.

It is hereby certified that the records of this office do not show any accounts or returns received or due from or chargeable against W. S. Mackay, Lieutenant Twenty-ninth Infantry.

This certificate is granted to satisfy the Pay Department that the above-named officer is not indebted to the United States on the books of this office at the date hereof.

Examined and entered:

R. M. CLARKE, Third Auditor.
A. M. GANGEWER, Chief Clerk.

PORT LOUIS, MAURITIUS, September 23, 1869.

GENERAL: I beg most respectfully to state, for the information of the honorable Secretary of War, that with the kind assistance of the United States consul at this port I propose sailing in a few days for New York, where I may hope to arrive about the end of December. The War Department will have been apprised some time ago through Colonel Pike, United States consul, of my having arrived at this place in March last, and of my having informed him that I had been absent from my command without leave since the 18th of July, 1868. This he communicated in due course to the State Department and received a reply to the effect that the Secretary of War would apply to Congress for authority to strike my name from the Army Register; but from private communications received by the last mail I am led to hope that, if I return to the United States and submit to trial by court-martial, it will be possible to avoid the odium attendant on a dismissal.

As I believe I will be able to prove that, at the time I abandoned my duty and left my wife and family without any preparation or warning, I was laboring under mental aberration, I would most earnestly beg that, taking into consideration my previous services and the feelings of my poor wife and family, no action may be taken with a view to my dismissal from the service until I can present myself for trial or report my arrival in the United States. I beg that any communication for me on this subject may be addressed to the care of H. H. Tenny, esq., Jay Cooke & Co., bank, Washington, D. C.

I have the honor to be, general, very respectfully, your obedient servant,

W. S. MACKAY,
Lieutenant U. S. Army, late Twenty-ninth United States Infantry.

Bvt. Maj. Gen. E. D. TOWNSEND,
Adjutant-General U. S. Army, Washington, D. C.

UNITED STATES CONSULATE,
Port Louis, Mauritius, October 23, 1869.

SIR: I have the honor to acknowledge the receipt of your dispatches Nos. 45 and 46, with inclosure. Referring to No. 45 and its inclosure, I would respectfully inform you that Lieutenant Mackay, United States Army, left this port in the steamer Mozambique on the 22d instant.

In my despatch No. 99, I informed you that Lieutenant Mackay would sail from this port in the British ship Menden for New York, as I had made arrangements with the captain of that vessel for his passage. On the eve of his sailing the agents of the Menden refused to take passengers. As Lieutenant Mackay was without a home I took him to my own residence, and he has been under my personal observation from that time until his embarkation.

I believe that he requires medical care and attention. There being no direct means of communication from this place to the United States, I deemed it my duty, taking into consideration the peculiar circumstances of the case, to send him home by the steamer, giving him a letter to the consul at Alexandria, that he may be sent to his destination. I trust that under the circumstances I may be permitted to draw on the Department for the amount of his passage, etc. I have been assured by persons under whose observation Lieutenant Mackay has been that, while his conduct here has been uniformly good, yet he at times evinced symptoms of mental aberration, although I believe him to be now of sound mind. I may add that he states, in the event of his being exonerated from the charge of absence without leave, he will willingly refund the amount of his passage from any pay which he may become entitled to.

I have, etc.,

NICOLAS PIKE, United States Consul.

WASHINGTON, D. C., December 21, 1869.

GENERAL: I have the honor to state for your information that on the 18th of July, 1868, I left my command at Lynchburg, Va., without permission, and have remained absent until this date. The circumstances attending my absence are such as I trust will warrant a merciful consideration of my case.

At the time I left and for some days previously I was, I firmly believe, laboring under a mental aberration, brought on by pecuniary difficulties, which, preying on my mind, induced me to leave my command and my family without the slightest desire or intention to desert the service. After a purposeless wandering from city to city, of which even now I can give no clear account, I found myself in the city of New Bedford, and there was shipped as cook on a vessel bound on a whaling voyage.

After some time at sea, I came to my proper senses, and the magnitude of the offense which I had committed in leaving my post was first clearly presented to my mind. There was no possibility of my communicating with my friends or surrendering myself until the arrival of the vessel at her first port of call, Mauritius, in February last, when I at once communicated my case to the United States consul, who at once reported my arrival to the Department of State. From that time to this I have been using every exertion to return to the United States, but from want of means I could not do so until the 22d of October last, when, with the assistance of the consul, I was at length enabled to leave Mauritius, arriving at New York on the 18th instant, and reporting to you in person at the War Department this day.

Such, general, is as nearly as I can state a true outline of my case, borne out, I believe, by the communications of the United States consul for Mauritius and by the opinions of the medical and other officers of the post of Lynchburg, at the time of my departure. As to my standing and efficiency as an officer and my personal character previous to my departure, I rely on the favorable report of the many officers under and with whom I have had the honor to serve, both as a regimental officer and while on detached service as a military commissioner, and a registering officer in Virginia, especially Bvt. Maj. Gen. O. B. Willcox, then colonel of the Twenty-ninth Infantry. I have, during my service, always endeavored to devote my whole time and attention to my duties, and up to this unfortunate occurrence I have never laid myself open to the slightest censure from my superior officers. I may add that my debts were mainly owing to the many expensive changes of station, which, with a delicate wife and little baby, I had to make in the course of one year, depending as I was solely on my pay.

I would, therefore, earnestly beg that, taking all these circumstances into consideration, with the fact that I was not mentally accountable for my actions at the time of my flight, the General of the Army will be pleased to restore me to duty, assigning me to some post where I may be able to prove, by unceasing application and correct performance of my duties, how much I desire to wipe out the sole blot on my military record, and how grateful I feel for the kind consideration thereby extended to me and mine.

I have the honor to be, general, your obedient servant,

W. S. MACKAY,

Second Lieutenant, United States Army.

THE ADJUTANT-GENERAL,
United States Army.

WASHINGTON, D. C., July 17, 1869.

I hereby certify that I have been Mr. William M. Porter's family physician for about fifteen years, during which time I have noticed mental aberration, steadily increasing in degree and frequency. The first severe attack was in the year 1866, when he was in the Army, lasting seventeen months. The next in the years 1873, 1875, and 1878.

Each time his mental condition grew worse during the attacks and cleared up less and less between them. Now on account of a severe attack of pleurisy, both physical and mental power have been lost, and he wanders over the country doing the most insane things and often even threatens the lives of his wife and children when they refuse to oppose him in anything.

O. M. MUNCASTER, M. D.

Subscribed and sworn to before me on the 23d July, A. D. 1889, and I further certify that I have no interest in his pension or other claims against the Government.

T. S. HOPKINS,
Notary Public, District of Columbia.

Statement of R. S. Lacey, late captain and assistant quartermaster volunteers, in re William M. Porter, alias Mackay, late lieutenant United States Army.

I was captain and assistant quartermaster volunteers in the late war. From July, 1865, till the spring of 1869, I was stationed at Lynchburg, Va., as superintendent of Freedmen's Bureau affairs. When General O. B. Willcox was assigned to duty at this post in 1866, I was placed by him at his headquarters and remained until 1869. One of the general's aids was said Lieut. W. S. Mackay. Under my quasi staff duty, I was at all times in constant daily association with said Mackay at headquarters. In the fall of 1868, without slightest warning or notice to myself or other officers at headquarters, said Mackay abandoned his duty and disappeared. No one could assign cause for his singular conduct. I contributed money with others to send his destitute and penniless wife to her parents.

Subsequently, however, I learned that he went directly from Lynchburg to some seaport in New England, where he shipped on a whaler under an assumed name as a galley cook for a three years' cruise. This confirmed my judgment that said Mackay's disappearance was due to some sudden uncontrollable impulse or mental aberration. Under such belief I subsequently assisted largely in securing his return to America from Australia. When afterwards he exhibited the same mental disturbance or loss of mental equilibrium at St. Louis, Mo., by abandoning business and family without intimation and without any known cause, and enlisting as a private soldier under an assumed name, his act was certainly in consonance with his insane disappearance in Lynchburg in 1868. His present chronic insanity I regard as merely the permanent exhibition of what has always existed since 1863 in ephemeral form.

R. S. LACEY.

WASHINGTON, D. C., July 20, 1889.

GOVERNOR'S OFFICE, Soldiers' Home, D. C., July 23, 1889.

The within accords with my own opinion and belief. There was no earthly cause discovered for a sane man to quit a fine position in the service at Lynchburg, no trouble nor incentive known. I think he has been insane for many years with occasional lucid intervals of wild impulses.

O. B. WILLCOX,

Brigadier-General U. S. Army, Governor Soldiers' Home.

I, Henry A. Hambright, major United States Army, do certify that I first became acquainted with William Mackay Porter when he was first sergeant of Colonel Chipman's company, C, Third Battalion, Eleventh Infantry, in the fall of 1865; that in the summer of 1866 said William Mackay Porter, known to me as William Mackay, was commissioned as second lieutenant, United States Infantry, and assigned to my company, E; that he joined at Norfolk, Va., and with his wife formed a member of my family and was treated as such.

As an enlisted man and officer Lieutenant Mackay enjoyed the respect of his inferiors and confidence of his superiors; he was devoted to his duty, of temperate habits, and in a daily intercourse of many months I found him filling all the requirements of an officer and a gentleman. In July, 1868, he was serving on the staff of Bvt. Maj. Gen. O. B. Willcox, I believe, as acting assistant adjutant-general, as well as military commissioner of the twenty-eighth subdistrict of the first military district, Virginia. I learned about this time that he had left his post at Lynchburg, and shortly after that he was reported as absent without authority.

It was my impression then, when he left his station and duties, that he must have been temporarily insane, as I never learned of any cause or reason for his action. This opinion I also had from others better able to judge and given after the first heat of indignation at the apparently heartless abandonment of his wife had passed away.

HENRY A. HAMBRIGHT,
Major, United States Army, Retired.

LANCASTER, PA., July 25, 1889.

DEPARTMENT OF STATE, Washington, August 29, 1889.

SIR: I have to inclose herewith authenticated copy of a letter from the attorney of Lieut. W. Mackay Porter, with original inclosures, also certified by the Department, and to request you to use your good offices in securing the release of Lieutenant Porter from prison, as these papers seem to establish the fact of his irresponsibility because of unsound mind.

I am, sir, your obedient servant.

ALVEY A. ADEE, Acting Secretary.

SAMUEL G. RUBY, Esq.,
Consul of the United States, Belfast.

UNITED STATES CONSULATE, Belfast, September 11, 1889.

SIR: Your dispatch No. 9, of August 29, in relation to W. Mackay Porter, is received with inclosures as stated. As I had already succeeded in securing Mr. Porter's discharge I suppose I can act no further in the matter.

He is now lying in the hospital too weak to rise from his bed, and it is highly probable that he will not live longer than a few weeks.

He has a small sum of money, not sufficient to pay his expenses to the United States. Should he so far recover as to be able to make the voyage, as I understand it I have no authority to return him at the expense of the Government.

I have the honor to be, sir, your obedient servant.

SAMUEL G. RUBY, Consul.

HON. WILLIAM F. WHARTON,
Assistant Secretary of State, Washington, D. C.

UNITED STATES CONSULATE, Belfast, September 20, 1889.

SIR: I beg to inform you that W. Mackay Porter, in relation to whom your dispatch No. 9 of August 29 was written, died in the hospital here on the 18th instant.

I have the honor to be, sir, your obedient servant.

SAMUEL G. RUBY, Consul.

HON. WILLIAM F. WHARTON,
Assistant Secretary of State, Washington, D. C.

2011 I STREET, CITY OF WASHINGTON, October 29, 1889.

MY DEAR GENERAL: Mrs. Porter will hand you this. She is the widow of William Mackay Porter, who was once a clerk in the Adjutant-General's Office.

There is a singular history connected with this man, involving great suffering to his wife, and all growing out of fits of aberration of mind, to which he was subject. Mrs. Porter is perfectly truthful and can give you such points as you desire.

Her case, for pension and some pay, I believe, she tells me is to go before the Secretary to-morrow, and it is important she should have testimony about his strange actions while suffering from aberration of mind. He was an officer of the Twenty-ninth Infantry and left his post mysteriously in 1873 under the delusion that he was a defaulter. Investigation satisfied me that it was not so, and I caused him to be returned to duty. He afterwards resigned, went off and enlisted, and was reported absent without leave. He was relieved from the penalty, except loss of pay, on the same ground, and was detailed as a clerk in the office. When sane he was an excellent man and clerk.

General Breck may remember that he paid a voucher for sending Short, a messenger, after him once when he went away in the same singular manner. His end was really tragic. He wandered off, got a passage in some way to Ireland, was arrested there for some irregularities, was found to be insane, died in a hospital in his native city, attended by the clergyman who was his pastor in childhood, and was buried beside his father, far away from wife and children.

This is a genuine case, and if you can do anything to help Mrs. Porter (I mean in finding evidence) you will serve a most meritorious woman who has borne unusual trials with wonderful fortitude.

Sincerely yours,

E. D. TOWNSHEND.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, November 13, 1889.

SIR: Referring to the application filed by you for an amendment of the records of the War Department so that they shall show that William M. Porter, alias William S. Mackay, now deceased, was involuntarily and unavoidably absent from his command and duties as a second lieutenant of the Twenty-ninth United States Infantry, instead of absent without leave from July 13, 1868, to December 21, 1869, I have the honor to inform you that the Secretary of War, to whom the papers have been submitted, is of the opinion that Congress is the only authority which can, under the facts of record, properly allow or definitely decide the claim for change of record and allowance of pay.

The War Department will be prepared, in case any committee of Congress having this claim under consideration shall call for information, to furnish the committee with all the facts of record bearing upon the circumstances and cause of Mr. Porter's absence.

Very respectfully, your obedient servant,

J. C. KELTON, Adjutant-General.

D. I. MURPHY, Esq.,
Attorney, P. O. Box 534, Washington, D. C.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MALINDA LEMMON.

The next business on the Private Calendar was the bill (H. R. 8303) granting a pension to Malinda Lemmon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Malinda Lemmon, widow of Samuel Lemmon, deceased, a soldier in Captain Wilkins's company of Indiana militia, from September 18 to November 18, 1811, and pay her a pension from the passage of this act at the rate of \$12 per month.

The report (by Mr. PARRETT) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 8303) granting a pension to Malinda Lemmon, have considered the same and report:

The claimant's late husband, Samuel Lemmon, was a private in Captain Wilkins's company, Indiana militia, from September 18 to November 18, 1811. The soldier died in March, 1846, and on May 6, 1878, she filed an application for pension, which was rejected by the Pension Bureau on the ground that the service was rendered against the Indians prior to the beginning of the war of 1812, and hence there is no provision of law granting a pension on account of same.

J. N. Land, of Carlisle, Ind., states that the claimant is eighty-four years old and entirely destitute.

There are many precedents for the allowance of pension on account of service in the old Indian wars, and the bill is therefore reported back with the recommendation that it do pass.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JANE FEE.

The next pension business on the Private Calendar was the bill (H. R. 9431) granting a pension to Jane Fee.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Jane Fee, widow of Michael Fee, late a member of Company G of the Second United States Infantry, on the pension-roll, subject to the provisions and limitations of the pension laws.

The report (by Mr. DE LANO) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 9431) granting a pension to Jane Fee, have considered the same and report:

The claimant's late husband, Michael Fee, was a private in Company G, Second United States Infantry, and served from October 20, 1841, to August 29, 1846. During the last three months of his service he was on recruiting duty at Binghamton, N. Y.

The soldier died April 11, 1885, and after the passage of the Mexican war service pension act in January, 1887, his widow (this claimant) filed an application for pension under that act, but the same was rejected by the Pension Bureau on the ground that the soldier was not at the seat of war, nor en route thereto, at any time during his term of service.

Mrs. Fee's identity as the widow of Michael Fee is fully established by the testimony of Michael McBride, Elijah Castle, and others. It is further shown by testimony submitted to your committee that the claimant is in bad health and very poor. She is now about fifty-seven years old and dependent almost entirely upon her friends and children for support.

Your committee have recognized the justice of applications of this character in a general bill reported to the House at this session, and the bill for the relief of Jane Fee is therefore reported back with a favorable recommendation.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

JAMES P. KIRBY.

The next pension business on the Private Calendar was the bill (H. R. 8605) to amend the military record of James P. Kirby.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he hereby is, authorized and directed to amend the military record of James P. Kirby, late a private of Company D, Ninety-fourth Regiment New York Volunteers, so as to show the said Kirby discharged by reason of an injury to the left side caused by an accidental fall received on the line of a railroad on the march from Piedmont to Front Royal about May —, 1862.

The report (by Mr. LANSING) is as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 8605) to amend the military record of James P. Kirby, submit the following report: James P. Kirby enlisted in the Ninety-fourth New York Volunteers in 1861. In May, 1862, he received an injury to his side and stomach from a fall upon a railroad track. He was discharged for such injury, but the cause of discharge was stated to be cancer of the stomach. By a communication from the War Department it is stated the Department is of opinion that the record "showing him discharged by reason of cancer of stomach is erroneous."

The committee recommend that the bill do pass.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

HOSEA STONE.

Mr. PETERS. Mr. Speaker, I find upon the Calendar a bill for the correction of the military record of Hosea Stone, which I did not know had been reported, and I ask unanimous consent that the Committee of the Whole be discharged from its further consideration, and that the bill be considered at this time.

There was no objection.

The bill (H. R. 2593) was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, directed to correct the military record of Hosea Stone so as to show that he has been relieved from the charge of desertion against him as a member of Battery A, Fourth United States Artillery, and to issue to said Stone an honorable discharge, to date from the 21st day of July, 1865, from said battery.

The report (by Mr. CAREY) is as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 2593) to correct the military record of Hosea Stone, having considered the same respectfully report:

That all the facts of this case are fully set out in the military record of this soldier, which is herewith printed as a part of this report. He was continuously in the military service of the United States from October 19, 1862, to July 21, 1865, when he is charged with desertion. This soldier's good service during nearly the entire period of the civil war, and the further fact that he did not desert until war was over, the committee think will justify Congress in granting the relief proposed by the bill.

WAR DEPARTMENT, ADJUTANT GENERAL'S OFFICE,
Washington, May 16, 1890.

SIR: I have the honor to return herewith bill (H. R. 2593) for removal of charge of desertion from record of Private Hosea Stone, Battery A, Fourth United States Artillery, and in compliance with the request of the chairman of the Committee on Military Affairs, House of Representatives, to report that the records of this office show that Hosea Stone, private, Battery A, Fourth United States Artillery, enlisted October 19, 1862, for the balance of his volunteer service; was discharged February 1, 1864, by reason of re-enlistment; re-enlisted February 1, 1864, in Battery A, Fourth United States Artillery, for three years; deserted July 21, 1865, at Camp Bailey, Maryland, and is still a deserter at large.

The case of this man is not covered by the provisions of the act of March 2, 1869, the only law on the subject of removal of charge of desertion now in force, and in justice to other enlisted men of the regular Army, whose status is similar to that of this man, I can not recommend favorable action in this individual case.

Very respectfully,

C. McKEEVER,
Acting Adjutant-General.

The SECRETARY OF WAR.

ADJUTANT-GENERAL'S OFFICE, June 5, 1890.

Official copy.

ARTHUR MACARTHUR, JR.,
Assistant Adjutant-General.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

JOSEPH DASCOMB.

The next business on the Private Calendar was the bill (H. R. 3766) granting a pension to Joseph Dascomb.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Joseph Dascomb, dependent father of Charles B. Dascomb, late a private in Company D, Fourth New Hampshire Infantry.

The report (by Mr. NUTE) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3766) granting a pension to Joseph Dascomb, submit the following report:

The claimant is the father of Charles B. Dascomb, who enlisted in Company D, Fourth New Hampshire Volunteers, August 12, 1862, was mustered out of service August 24, 1863, and died May 19, 1874. The mother of the soldier applied for pension in 1883, and died in March, 1885. The father's application has been rejected because, in the opinion of the medical referee, the soldier's death-cause, scrofulous acres, is not satisfactorily connected with the service.

It is shown by the record that the soldier was under treatment for malarial fever from July 4, 1864, to December 2 of said year, for erythema in February, 1865, and for congestion of lungs from March 6 to July 24, 1865.

The case was specially examined to determine the general merits of the same, in particular with respect to the soldier's death-cause. Dependence has been clearly established by the evidence obtained. Lay evidence only is obtainable with reference to soldier's condition from discharge to death, and its immediate cause, by reason of the death of the attending physician. The special examination was very thorough, and in submitting his report the examiner says:

"The lay evidence would appear to establish the fact that the soldier returned

from the service sick, and continued to grow worse until his death, in May, 1874. Witnesses are all reliable. I think the case is one of merit, and that, giving the claimant the benefit of any doubts that may exist, it should be admitted."

Notwithstanding the favorable recommendation of the special examiner, the medical referee objected to the allowance of the claim because of the absence of the medical evidence heretofore referred to.

Your committee, however, concur in the conclusion reached by the special examiner, and report favorably on the accompanying bill and recommend its passage.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

APHIA M. BROWN.

The next pension business on the Private Calendar was the bill (H. R. 4707) granting a pension to Aphia M. Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Aphia M. Brown, mother of James F. Brown, late a private in Company D, Ninth New Hampshire Volunteers.

The report (by Mr. NUTE) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4707) granting a pension to Aphia M. Brown, submit the following report:

Aphia M. Brown is the mother of James F. Brown, who, while serving as corporal in Company D, Ninth Regiment New Hampshire Volunteers, was killed in action near Petersburg, Va., in September, 1864. She applied for pension as a dependent mother, but her claim has been rejected by the Pension Office because the soldier left surviving him a widow, who is also dead. Another son of this aged woman was likewise killed in battle, but he also left a widow surviving him. James F. Brown aided very materially in the support of his mother, as is clearly established by the evidence on file.

The claimant is now eighty-nine years of age, and an inmate of the poor-house of the county in which she resides, as is certified to by the proper authorities. She can not long survive, and should no longer be permitted to be a charge upon the community.

Your committee therefore report favorably on the accompanying bill, and ask that it do pass.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

ANNE MATTOCKS.

The next pension business on the Private Calendar was the bill (H. R. 6800) granting a pension to Anne Mattocks.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Anne Mattocks, an applicant for a pension under claim numbered 334307 as dependent mother of Ichabod W. Mattocks, late a soldier of Company A, First Vermont Cavalry Volunteers.

The report (by Mr. NUTE) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6800) granting a pension to Anne Mattocks, submit the following report:

Anne Mattocks is the mother of Ichabod W. Mattocks, who enlisted in September, 1861, in Company A, First Vermont Cavalry, and died July 15, 1864, of wounds received in action.

It appears that while home on furlough, in the spring of 1864, he married a woman who was recognized by the Pension Office as his widow, and was paid a pension until her remarriage in May, 1865.

Having left a widow surviving him, the mother's claim had to be rejected by the Pension Office. The claimant was deserted by the father of the soldier as early as 1845. She obtained a divorce from him in 1852, and has remained single ever since. Another son died while in service, and a third son contracted disease in the Army and died from its effects after discharge.

Anne Mattocks was supported by her sons, the one on whose account she claimed pension being the principal contributor, as it appears from the evidence on file. She has by her own efforts managed to eke out an existence, but being now seventy-six years of age has become dependent upon her friends for support.

Your committee are of opinion that the case is meritorious, and therefore report favorably on the accompanying bill and ask that it do pass.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

ABBIE A. COLSON.

The next business on the Private Calendar was the bill (H. R. 6217) granting a pension to Abbie A. Colson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Abbie A. Colson, of Winterport, Me., non-compos sister of John L. Colson, late a private in the Third Regiment Mounted Artillery, Maine Volunteers, at the rate of \$16 per month, and the said pension be paid to her legally constituted guardian.

The report (by Mr. NUTE) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6217) granting a pension to Abbie A. Colson, submit the following report:

Abbie A. Colson is the insane sister of John L. Colson, who enlisted December 30, 1861, in the Third Battery, Maine Artillery, was discharged therefrom June 17, 1865, and died of disease contracted in the service, October 31, 1868, leaving no wife or minor children surviving him. The mother of the soldier received a pension on account of his death and dependence upon him, which she drew until her death in April, 1885. The father of the soldier is also dead.

The proposed beneficiary applied for a pension, but her claim has been rejected by the Pension Office, because she had passed the pensionable age at the time of her mother's death. She is shown to have no property of any kind, and no income except \$2 per month State pension, and is taken care of by a widowed sister, who is compelled to earn her own support by manual labor.

The case comes clearly within the well established rules of Congress, and your committee, therefore, report favorably on the accompanying bill and ask that it do pass, amended, however, by striking out the word "regiment," in line 7, and inserting therein instead the word "battery."

The amendment recommended by the committee in the report was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

CATHARINE McMANUS.

The next business on the Private Calendar was the bill (H. R. 3376) granting a pension to Catharine McMannus.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Catharine McMannus, widow of John McMannus, late a sergeant in Company D, Third Regiment New Jersey Infantry, at the rate of \$12 per month from his decease, and \$2 additional per month for each minor child under sixteen years of age at his decease.

The report (by Mr. BELKNAP) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3376) granting a pension to Catharine McMannus, submit the following report:

The claimant is the widow of John McMannus, sergeant Company D, Third New Jersey Infantry, who enlisted May 26, 1861, and was discharged June 23, 1864. He was wounded in the knee at the battle of North Anna, Va., May 28, 1864. The evidence of several persons shows that this wound never healed, but became a running sore and made necessary the use of a pair of crutches. The evidence of comrades and neighbors shows that he was a man of good habits before, during, and after his enlistment.

The evidence of Joseph W. Campbell, M. D., on file with the claim, is to this effect: He swears that he treated the soldier in 1870 for chronic diarrhea and for gunshot wound of knee, which was a bad running sore. E. A. Marsh, surgeon, swears that he treated the soldier for this wound, and, up to a short time before his death, that the wound never healed and was continuously discharging, which caused weakness and general debility of the entire system. This is also proven by the testimony of other physicians.

While in this weak and suffering condition the soldier went to a small brook near his home after dark; that this brook could be crossed by stepping upon small stones; he at the time used a pair of crutches to assist him in walking; his body was found the next morning in the brook, he having fallen into the water and been drowned. It is the opinion of all the people who knew him that his death in this manner was due to his condition caused by his wounds. The claim was rejected on account of the manner of the death. The evidence is that he was a good soldier, and there is no doubt his death was due to his wounds.

Your committee recommend the passage of the bill.

Mr. MORRILL. Mr. Speaker, there ought to be an amendment to that bill. Without an amendment it would carry arrears.

The SPEAKER *pro tempore*. There is no amendment recommended by the committee, but a motion to amend is in order.

Mr. MORRILL. The committee really recommended the amendment, but they may have neglected to put it in. I move that the bill be amended by striking out, in line 8, the words "from his decease," so as to have the pension take effect on the passage of the bill.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

SOLOMON R. RUCH.

The next business on the Private Calendar was the bill (H. R. 4722) granting a pension to Solomon R. Ruch.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the limitations of the pension laws, the name of Solomon R. Ruch, late a private in Company A, Fourteenth United States Infantry.

The report (by Mr. CRAIG) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4722) granting a pension to Solomon R. Ruch, submit the following report:

That soldier enlisted February 1, 1862, and was discharged January 18, 1863. Filed a claim for pension December 2, 1881, alleging that he contracted chronic diarrhea in June, 1862, and that his eyesight began to fail and has continued to grow worse.

This claim was specially examined, and, after full investigation, was rejected February, 1886, on the ground that no chronic diarrhea has existed in a pensionable degree since enlistment, and that the record shows that the eyes were affected prior to enlistment. In the certificate of disability is recited:

"I certify that I have carefully examined the said Solomon R. Ruch . . . and find him incapable of performing the duties of a soldier because of near-sightedness existing prior to enlistment."

The evidence on the special examination showed he had been near-sighted from infancy. The claimant could not and did not deny this disability. Near-sightedness existed before the war, but he contended he contracted disease of the eyes in the service. There is on question of origin in the service no record evidence or medical testimony. Two comrades testify to a recollection of watery or sore eyes. There is evidence of neighbors of complaints of sore eyes shortly after discharge.

Prior to rejection claimant had three examinations: March, 1862. Surgeon says impaired vision of both eyes; letters one-half inch in size can not be distinguished 2 feet distant; pupils large. October, 1862. Board doubt disability and origin of disease of eyes to any great extent. July 9, 1864. Another board, under instruction, report upon a test examination disease of eyes, and rate total third grade for what appears to be a case of hytitis with nerve changes and cataract capsular, result of inflammatory trouble; no signs of syphilis. The evidence was all twice reviewed on appeal to Secretary of the Interior and rejection confirmed, although the Secretary says he inclines to think there is some merit in the case.

Your committee, in view of the fact that claimant is now blind, believe it a proper case to grant some relief and recommend the passage of the bill, amended so as to place beneficiary on the rolls at \$18 per month.

The amendment recommended by the committee, adding at the end of the bill the words "at the rate of eighteen dollars per month," was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

J. D. GOLDEN.

Mr. OSBORNE. Mr. Speaker, I ask unanimous consent that the Committee of the Whole be discharged from the further consideration of the bill (H. R. 5133) for the relief of J. D. Golden, and that the bill be put upon its passage.

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized and directed to amend the records of his office by placing the name of J. D. Golden upon the rolls of Company B, Ninth Regiment Pennsylvania Volunteers, three months' service, as a musician, as of the 22d day of April, 1861, and issue to him an honorable discharge as of the 24th day of July, 1861.

The report (by Mr. CAREY) is as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 5133) for the relief of J. D. Golden, having considered the same, respectfully report:

That J. D. Golden enlisted in Company B, Ninth Regiment Pennsylvania Volunteers, three months' men, on the 21st day of April, 1861, and served in the said company as a musician until the 24th day of July, 1861, when said company was discharged by reason of expiration of service.

The name of J. D. Golden does not appear on the muster-rolls of the said company for the reason that Capt. William Sirwell, the captain of the company, enlisted a number of men in excess of the regulations, and at the expiration of the term of service was compelled to drop from the muster rolls such excess. Among these was the name of the claimant. That J. D. Golden performed the service during the term of his enlistment there can be no doubt. He should be paid for such service and the committee believe he is entitled to the military record which will be established by the passage of the bill.

All the facts bearing upon this case are fully shown by the accompanying affidavits of the officers of the company and petition of the claimant, which are printed herewith and made a part of this report. The committee recommend that the bill do pass.

STATE OF PENNSYLVANIA, County of Armstrong, ss:

In the matter of change of record, etc., case of J. D. Golden, late musician Company B, Ninth Regiment Pennsylvania Volunteers (three months' service).

On this 3d day of May, A. D. 1884, personally appeared before me, a justice of the peace in and for the aforesaid county, duly authorized to administer oaths, William Sirwell, aged 65 years, a resident of Kittanning, in the county of Armstrong and State of Pennsylvania, well known to me to be reputable and entitled to credit, and who, being duly sworn, declared in relation to aforesaid case as follows: That he was late captain of Company B, Ninth Regiment Pennsylvania Volunteers (three months' service).

This claimant enlisted in Company B, as musician, April 16, 1861. He did duty as musician of the company from date of his enlistment up to discharge of company. He never received pay for his services, nor was he mustered out with the company, for the reason that I had with me an excess of men and when muster-roll was made I dropped his name, with that of others, in order to make muster-roll conform with the regulations at that time. His post-office address is Kittanning, Armstrong County, Pennsylvania. He further declares that he has no interest in said case and is not concerned in its prosecution.

WILLIAM SIRWELL.

STATE OF PENNSYLVANIA, County of Armstrong, ss:

Sworn to and subscribed before me this day by the above-named affiant, and I certify that I read said affidavit to said affiant, including the words ———— erased, and the words ———— added, and acquainted him with its contents before he executed the same. I further certify that I am in no wise interested in said case, nor am I concerned in its prosecution; and that said affiant is personally known to me and that he is a credible person.

[SEAL.]

SAMUEL N. LEE,

Justice of the Peace.

STATE OF PENNSYLVANIA, County of Jefferson, ss:

In the matter of correction, etc., in case of J. D. Golden, late musician Company B, Ninth Pennsylvania Volunteers (three months' service).

On this 30th day of April, A. D. 1884, personally appeared before me, a clerk of court of quarter sessions in and for the aforesaid county, duly authorized to administer oaths, N. G. Pinney, aged forty-five years, a resident of Brookville, in the county of Jefferson, and State of Pennsylvania, well known to me to be reputable and entitled to credit, and who, being duly sworn, declared in relation to aforesaid case as follows:

That he was late first lieutenant of Company B, Ninth Regiment Pennsylvania Volunteers (three months' service). Was one of the original members of said company and served with it up to discharge. This applicant as above was enlisted in Kittanning, Armstrong County, Pennsylvania, as musician of the company, April 16, 1861, and was mustered with the company at Harrisburg, Pa., as musician, April 22, 1861.

The claimant does duty as musician of company from enlistment to muster out, both in company and regiment band of the regiment. The claimant never received his pay, nor was he mustered out with the company, although his service had been continuous and he was present at muster out of the company, for the reason that Captain Sirwell had an excess of men along with company during the term, and when we came to be mustered out he, the captain, dropped this claimant's name as musician and substituted the names of William W. Wallace and Thomas C. Wilson as musicians, although neither one of last named had ever done a day's duty as musicians of company, but instead had done duty as privates.

His post-office address is Brookville, Jefferson County, Pennsylvania. He further declares that he has no interest in said case and is not concerned in its prosecution.

N. G. PINNEY.

STATE OF PENNSYLVANIA, County of Jefferson, ss:

Sworn to and subscribed before me this day by the above-named affiant, and I certify that I read said affidavit to said affiant, including the words ———— erased, and the words ———— added, and acquainted him with its contents before he executed the same. I further certify that I am in no wise interested in said case, nor am I concerned in its prosecution; and that said affiant is personally known to me and that he is a credible person.

[SEAL.]

THOMAS K. HASTINGS,

Prothonotary.

STATE OF PENNSYLVANIA, County of Armstrong, ss:

In the matter of correction of record, etc., case of J. D. Golden, late musician Company B, Ninth Pennsylvania Volunteers (three months' service).

On this 1st day of May, A. D. 1884, personally appeared before me, a justice of the peace in and for the aforesaid county, duly authorized to administer oaths, J. D. Golden, aged thirty-six years, a resident of Kittanning, in the county of Arm.

strong and State of Pennsylvania, well known to me to be reputable and entitled to credit, and who, being duly sworn, declared in relation to aforesaid case as follows:

That he enlisted in Company B, Ninth Pennsylvania Volunteers (three months' service), as musician, at Kittanning, Pa., April 16, 1861, and was mustered with the company as musician at Harrisburg, Pa., April 22, 1861. That he did duty as musician of the company from date of enlistment, April 16, 1861, up to discharge of company, July 24, 1861. That the captain, William Sirwell, took an excess of men with him into the service and kept the excess with him until the company was discharged as above. When we came to be discharged the captain dropped my name from the muster out roll as musician and substituted the name of William W. Wallace or Thomas C. Wilson in its stead, although neither of them had ever done a day's service as musician. As a consequence I never was mustered out and never received pay for my services, nor a credit for my services, which I value highly. The application is made with a view of having the record changed so as to show my service and to secure an honorable discharge for the same, and pay for said service.

His post-office address is Kittanning, Armstrong County, Pennsylvania. He further declares that he has interest in said case and is concerned in its prosecution.
J. D. GOLDEN.

STATE OF PENNSYLVANIA, County of Armstrong, ss:

Sworn to and subscribed before me this day by the above-named affiant, and I certify that I read said affidavit to said affiant, including the words — erased, and the words — added, and acquainted him with its contents before he executed the same. I further certify that I am in no wise interested in said case, nor am I concerned in its prosecution; and that said affiant is personally known to me and that he is a credible person.

[REAL.]

SAMUEL N. LEE, Justice of the Peace.

I, H. J. Hays, clerk of the county court in and for aforesaid county and State, do certify that Samuel N. Lee, esq., who hath signed his name to the foregoing declaration and affidavit, was at the time of so doing an acting justice of the peace in and for said county and State, duly commissioned and sworn; that all his official acts are entitled to full faith and credit, and that his signature thereunto is genuine.

Witness my hand and seal of office this 2d day of May, 1884.

H. J. HAYS,

Clerk of the Orphans' Court of Armstrong County, Pennsylvania.

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:

The petition of the subscriber, a citizen of Kittanning Borough, in the county of Armstrong, in the Commonwealth of Pennsylvania, respectfully sheweth: That he enlisted in Company B, Ninth Regiment Pennsylvania Volunteers (three months' service), as musician, at Kittanning, Pa., April 16, 1861, and was mustered with the company as musician at Harrisburg, Pa., April 22, 1861; that he did duty as musician of the company from date of enlistment up to and at discharge of company, July 24, 1861; that the captain, William Sirwell, in making out the muster in and out roll, dropped the name of your petitioner from the same in an unauthorized and unwarranted manner, so that now in the Adjutant-General's Office your petitioner is without record of said service, as also pay for the said service. Your petitioner therefore respectfully prays that your honorable Congress will pass an enabling act giving your petitioner a record and pay for said service rendered as above in the armies of the United States; and your petitioner will ever pray, etc.

J. D. GOLDEN.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

JOHN YOST.

The next business on the Private Calendar was the bill (H. R. 1863) granting a pension to John Yost.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John Yost, late a member of Company I, Thirtieth Regiment Wisconsin Infantry Volunteers.

The report (by Mr. SAWYER) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1863) granting a pension to John Yost, submit the following report:

The claimant enlisted August 13, 1863, and served in Company I, Thirtieth Wisconsin Volunteers, and was mustered out with his company September 20, 1865. While on duty in Montana he suffered from mountain fever, diarrhea, rheumatism, and scurvy, and was confined in hospital at Fort Union. Of this hospital there seems to be no record in the office of the Surgeon-General, but the treatment of claimant is fully established by officers and comrades of his company, some of the latter being confined with him in said hospital; also by nurse attending him, who testifies that he was being treated for mountain fever. The testimony shows that the regimental surgeon attending him has since died.

This sickness was in the spring of 1864, and is fully sustained by the records in the Adjutant-General's Office, which show him present with regiment until February 29, 1864; absent during March and April, 1864; left at Nebraska City with sick men, and sick until June 30, 1864; rejoined company July 26, 1864, from absence with sick. The records in the Surgeon-General's Office show that claimant was "admitted to post hospital, Louisville, Ky., September 8, 1865, with intermittent fever."

The sergeant of the company testifies to his sickness with mountain fever in Montana, and in hospital at Louisville, and says he was never well after his first sickness at Fort Union, and when with the company was only able for light duty.

Norman L. Burk, a comrade, swears that he knows of his sickness, and that he was in hospital in Montana, and that he believes he never fully recovered from the effects of the same during his term of service. He also testifies to his suffering from scurvy in March and April, 1865.

John McClosse attended him as a nurse in the hospital in Montana and knows he never fully recovered.

Elisha J. Horton, a comrade, was sick in same hospital and corroborates the other witnesses as to this and later sicknesses in service.

It is fully established that claimant was a sound man at the time of enlistment, and six reputable men of his neighborhood testify to the fact that he returned home immediately after his discharge sick with chronic diarrhea and that he has never recovered, and to his inability by reason of his physical condition to perform manual labor; the testimony is uncontradicted.

Your committee therefore recommend the passage of the bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

MRS. BRIDGET HANDERHINE.

The next business on the Private Calendar was the bill (H. R.

6297) granting a pension to Mrs. Bridget Handerhine, widow of Daniel Handerhine.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Bridget Handerhine, widow of Daniel Handerhine, late of Company B, First District of Columbia Infantry, and of Company B, Second District of Columbia Veterans.

The report (by Mr. SAWYER) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6297) granting a pension to Mrs. Bridget Handerhine, have considered the same and respectfully submit the following report:

The claimant's late husband, Daniel Handerhine, was a private in Company A, First District of Columbia Volunteers, and Company B, same regiment, from October 20, 1861, until mustered out with his company September 12, 1865. He died at Windsor, N. Y., December 6, 1870, and on the 22d of August, 1879, his widow (this claimant) filed an application for pension, declaring that his death was caused by chronic diarrhea which originated in the service and line of duty.

The widow's claim was rejected by the Pension Bureau February 8, 1883, on the ground that there is no record of the soldier having incurred diarrhea in the service, and the claimant could not furnish the testimony required of her.

The evidence presented by the claimant is as follows:

Michael Handerhine and John Dillon swear that they were employed by the Government and saw the soldier at Alexandria, Va., in January and February, 1865, and he was at that time suffering severely from dumb ague and chronic diarrhea.

Willoughby Panley swears that he was a member of the same company with claimant's husband and personally knows that said Daniel Handerhine was taken sick with diarrhea while in line of duty, at Alexandria, Va., on or about February 15, 1865, and he was quite sick with said disease.

Dr. George A. Thayer testifies that at the time of enlistment the soldier was sound, robust, and healthy; that in the month of December, 1864, the soldier was at home on furlough and he (the doctor) was called upon to treat him for chronic diarrhea and fever; also that after the soldier's discharge, to wit, about December, 1865, he was again called to attend him on account of said disease. At that time the soldier was emaciated and suffering severely from diarrhea and its results, intermittent fever, etc. Witness treated the soldier until June, 1866.

John F. Sullivan swears that he was boarding in the house of Mr. Francis Ellis, at Windsor, N. Y., and personally knows the fact that Daniel Handerhine died there December 6, 1870, and it was the common report that he died of chronic diarrhea. John O. Sullivan testifies to the same effect as the last-named witness.

Upon showing that she is in very poor health and so needy as to be dependent upon charity for support, the claimant's application was made special by the Pension Bureau.

After a review of all the facts your committee are of the opinion that whatever doubts arise respecting the merits of the claim are not too great to be justly resolved in the claimant's favor, and the bill is therefore reported back with the recommendation that it do pass.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

CHRISTIAN SCHAUB.

The next business was the bill (H. R. 10106) granting an increase of pension to Christian Schaub.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Christian Schaub, late of Company A, Sixteenth Regiment New York Heavy Artillery, to \$50 a month, payable to his legally constituted guardian.

The report (by Mr. SAWYER) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 10106) granting an increase of pension to Christian Schaub, submit the following report:

Christian Schaub served as private in Company A, Sixteenth Regiment New York Heavy Artillery, from July 15, 1863, to August 21, 1865. He applied for pension October 4, 1880, on account of rheumatism and effects of sunstroke. The claim for the former was allowed at \$4 per month, but the latter was rejected on the ground that the evidence is not deemed sufficient to show origin in the service.

The claimant alleged that the sunstroke was incurred in July, 1864. There is no record of the incurrence of the sunstroke, but the hospital records do show that he was under treatment from June 13 to 28, and also in August, 1864; diagnosis not given for these periods except after August 16, 1864, when treated for icterus, and later for diarrhea and intermittent fever, also for rheumatism. He was also under treatment for some time before discharge.

The case has been specially examined, and after exhausting all sources of information the special examiner recommended the allowance of the claim. The most important evidence obtained is that of the assistant surgeon of the regiment, who is shown to be reputable. He testifies that he remembers that some time in August, 1864, claimant incurred sunstroke, for which he received treatment. Two comrades also testify that soldier was overcome by heat, but differ as to time of occurrence.

There is ample testimony showing that soldier after his return from service acted strangely. He complained much of dizziness and could not endure the sun's heat, did little work; in fact depended upon his wife for a support. His mind became more and more affected. Singing, dancing, and preaching to imaginary congregations became his principal occupation. When spoken to he flew into a passion, oftentimes assaulting members of his family, until finally, in 1868, he was declared insane and incurable.

While the evidence presented may not be entirely satisfactory for the purposes of the Pension Office, yet your committee are of opinion that it is sufficient to show that soldier incurred sunstroke in the service and that his present deplorable condition is the direct result thereof, and therefore report favorably on the accompanying bill and ask that it do pass.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

ROBERT C. KERR.

The next business on the Private Calendar was the bill (H. R. 1864) to place the name of Robert C. Kerr on the pension-roll.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Robert C. Kerr, late of Company G, Eleventh Regiment Minnesota Volunteer Infantry.

The report (by Mr. SAWYER) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1864) granting a pension to Robert C. Kerr, submit the following report:

The claimant was a private in Company G, Eleventh Minnesota Volunteer Infantry, and was honorably discharged on the 26th day of June, 1865. About June 20, 1865, while on detail duty "on wood train guard" near Gallatin, Tenn., he was injured in the groin by the kick of a mule. He was never sent to the hospital, but was treated by the assistant surgeon of the regiment, who says in his testimony "that in the month of June, 1865, in camp at Gallatin, Tenn., the said soldier, R. C. Kerr, when on duty there was hurt by a mule. Deponent found a slight swelling in said soldier's left inguinal region, but could not state it was hernious. Said soldier, Kerr, received medical aid then and there in said camp by deponent. He also testifies to the soundness and good health of soldier at time of enlistment. The corporal of company testifies that claimant was off duty for several days in latter part of spring of 1865, by reason of sickness. The injury received seems at the time to have been considered by the assistant surgeon a bruise only, but to have developed into hernia.

H. Runke, a practicing physician, testifies that in the year 1865, in the month of November, at Stillwater, Mo., he made a medical examination of claimant and found that he was ruptured in the left side, and that the rupture was about as big as a goose-egg, and is about the same size yet (in January, 1889); that he ordered claimant a truss, which he continued to wear, and that he is incapacitated from obtaining subsistence by manual labor.

The testimony as to the injury is corroborated by comrades and neighbors who knew him immediately after his discharge, and who have had continued acquaintance with his disability since. The disability was incurred only a few days before the muster-out of the regiment, which fully accounts for the absence of record evidence. But the testimony of the assistant surgeon of the regiment and of comrades fully satisfies your committee that the injury was incurred in line of duty, and justice to the claimant requires that he should be placed on the pension-roll.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

CATHERINE DOYLE.

The next business was the bill (H. R. 4894) increasing the pension of Catherine Doyle.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Catherine Doyle, widow of Michael Doyle, late of Company B, First Regiment District of Columbia Volunteer Cavalry, to \$20 per month, in lieu of the pension now received by her.

The report (by Mr. SAWYER) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4894) increasing the pension of Catherine Doyle, submit the following report: The beneficiary is the widow of Michael Doyle, late a private in Company B, First District of Columbia Cavalry, who enlisted July 22, 1863, and was discharged October 26, 1865.

She is now drawing a pension at the rate of \$12 per month. She appeared before your committee. She is now an old woman, totally blind, with no children or relatives, and her only means of support is the pension she is now receiving.

Your committee think it but just to give this poor, lonely, childless, blind, soldier's widow larger means of support, and therefore recommend the passage of the bill, with an amendment striking out the word "thirty" in the sixth line and inserting in the place thereof the word "twenty."

The amendment reported by the committee was read and agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

AUGUSTUS D. HUBBELL.

The next business was the bill (H. R. 5685) for the relief of Augustus D. Hubbell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to cause the removal of the charge of desertion from the record of Augustus D. Hubbell, late Company C, Third New York Cavalry.

The report (by Mr. CAREY) is as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 5685) for the relief of Augustus D. Hubbell, have considered the same, and submit the following report:

Augustus D. Hubbell was mustered into the volunteer service as a private in Company C, Third New York Cavalry, August 3, 1861, when about sixteen years of age. He served faithfully until January, 1864, when he re-enlisted as a veteran in the same organization, to serve three years or until the close of the war. He deserted in April, 1864.

It appears from the evidence submitted to the committee that this soldier, though a young boy, served faithfully for two years and eight months, and won the esteem of his officers and comrades for his bravery and good conduct; that subsequent to his enlistment his father and brother entered the military service in other organizations, leaving at home only his mother and a little brother ten years old. His father was killed in a charge at Fort Wagner. His mother's health failing after his father's death, she repeatedly wrote, begging him to come home to her. For a time the boy withstood the entreaties of his mother, but at last his affection for her and the memory of his filial obligation overcame every other consideration and he deserted and went home and remained with her until the war was over.

This country has condoned and forgiven much that occurred during the period of the war, and your committee believe that it may throw its mantle of charity over the one blot in this young soldier's career. If it was a disgrace to prefer the obligations conferred by a mother's love, in view of her distressing condition, to the fealty he owed to his country.

Your committee recommend that the bill be amended by adding to the end of the bill the words "and grant him an honorable discharge under date of April 4, 1864," and that the bill when so amended do pass. Your committee submit herewith for the information of the House the report of the Secretary of War and the statement of facts presented by the soldier's comrades and officers.

Case of Augustus (D.) Hubbell, late private Company C, Third New York Cavalry Volunteers.

RECORD AND PENSION DIVISION, May 7, 1890.

Augustus Hubbell, private Company C, Third New York Cavalry Volunteers, was enrolled on August 3, 1861, to serve three years. He was present with his company on December 31, 1863, and re-enlisted as Augustus D. Hubbell, a veteran volunteer, on January 5, 1864. The muster-roll of February 29, 1864, reports him

"Absent with leave since January 13, 1864;" the roll of April 30, 1864, shows him "Deserted April 4, 1864;" and the regimental return for March, 1864, reports him "Absent without leave since March 28, 1864." His name is not borne on any muster-rolls subsequent to April 30, 1864.

No testimony in the case is on file in the War Department, and no application for removal of the charge of desertion is pending, a former application having been returned to the authorized attorney in the case on March 30, 1887, with the information that the provisions of the act of Congress approved July 5, 1884, do not cover the case.

In the absence of any testimony it can not be determined whether the provisions of the act of Congress approved March 2, 1889, change the status of the case.

Respectfully submitted.

F. C. AINSWORTH,

Captain and Assistant Surgeon, United States Army.

The SECRETARY OF WAR.

To Hon. CHARLES BELKNAP:

DEAR SIR: This is to certify that we served with Augustus D. Hubbell in Company C, Third New York Cavalry; that we knew him to be a brave and obedient soldier, and one who never shirked his duty or exhibited the slightest fear in the face of the enemy.

He was but sixteen years of age when he enlisted the service, and served faithfully for nearly three years, when he re-enlisted. After his re-enlistment he served about three months. His father was a member of the One hundredth New York Volunteer Infantry and was killed in a charge on Fort Wagner, July 18, 1863. His brother was a member of the Forty-ninth New York Volunteer Infantry. He had but one other brother, and he was but ten years of age. After the death of his father his mother's health began to fail, and in her letters to him she begged him to come home to her. His love for his mother outweighed every other consideration, and he, taking advice from older comrades, deserted and went directly home, in the year 1864.

When we consider his age when he enlisted the service, his record as a soldier—a brave boy never lived—the death of his father in the Army, his mother's condition, and the advice of older comrades, we can but feel that his act should be condoned, and we most respectfully ask that the charge of desertion be removed and that he be granted an honorable discharge.

S. C. PIERCE,

Late Lieutenant-Colonel, Third New York Cavalry.

MAURICE LEYDEN,

Late Major, Third New York Cavalry.

MILTON H. SMITH,

Late Lieutenant, Company C, New Third New York Cavalry.

B. J. SCOTT,

PETER H. BREWER,

GEORGE KARE,

JOHN G. JENKINS.

The amendment recommended by the committee, to add to the bill the words "and to grant him an honorable discharge under date of April 4, 1864," was read and agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

JAMES A. MITCHELL.

The next business on the Private Calendar was the bill (H. R. 5896) granting a pension to James A. Mitchell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-rolls the name of James A. Mitchell, of Keokuk, Iowa, late a private of Company C, Sixtieth Regiment of United States Colored Troops, and pay him a pension according to the provisions and limitations of the pension laws.

The report (by Mr. FLICK) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5896) granting a pension to James A. Mitchell, submit the following report:

James A. Mitchell, alias James Alfred, served as private in Company C, Sixtieth Regiment United States Colored Troops, from August 15, 1863, to October 15, 1865. On February 17, 1879, he filed his claim for pension on account of injury of right knee, incurred about November, 1863, by falling in a ditch and on his musket while on skirmish drill. The claim has been rejected by the Pension Office on the ground that the evidence tends to show that the present disability is due to a burn of the leg prior to enlistment, rather than to the alleged injury in the service.

The case has been specially examined, and claimant admits that when an infant the right leg was slightly burned, and that some years later his left leg was burned, but denies that there ever was anything wrong with his right knee or that he was in any way disabled at time of his enlistment. In this he is corroborated by the officers and enlisted men of the company, as well as neighbors who knew him at and prior to his entry into service.

Lieut. W. A. R. Tisdale, subsequently major and brevet lieutenant colonel of volunteers, testifies before the special examiner that while stationed at Keokuk, Iowa, in November, 1863, and while on drill, double quick, some of the members of the company fell, and one of them was badly hurt and had to be helped back to camp. Has no doubt claimant was the identical man; knows that he was lame thereafter and placed on duty as a teamster. Comrades Toema, Lewis, and George Thomas testify positively to the injury on drill and claimant's subsequent lameness, while Comrades George Rebo, William Stuart, and Peter Holmes testify to the condition of the leg subsequent to the injury, and while under treatment in regimental hospital.

The records of the War Department fail to furnish any information as to alleged injury or treatment thereof, but do show that on December 22, 1863, at Helena, Ark., he was detailed for service in the ambulance corps, and continued in such service until mustered out.

There is an abundance of testimony showing beyond a doubt that claimant was in no way disqualified for the performance of military duty at time of enlistment and until his injury in November following, and that upon his return home and ever since he has been lame and otherwise badly disabled in the limb.

Medical examinations locate the injury as extending from patella to outside of knee-joint, over a space of 4 to 5 inches, with constant discharge. Dr. P. J. Payne, under date of December 4, 1889, says: "The present sore is at the bend of the knee, causing severe pain whenever the leg is flexed or extended in the least, and prevents claimant from doing any labor whatever that requires much or any moving about on his feet."

In the opinion of your committee the evidence shows that the service, and not the injury prior to enlistment, is responsible for the claimant's present disability, and therefore report favorably on the accompanying bill, and ask that it do pass.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

JAMES A. HULL.

The next business on the Private Calendar was the bill (H. R. 8856) for the relief of James A. Hull.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of James A. Hull, father of Chauncey A. Hull, late a private in Company B, One hundred and ninth New York Volunteer Infantry.

The report (by Mr. SAWYER) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8856) granting a pension to James A. Hull, have considered the same and report as follows:

The claimant's son, Chauncey A. Hull, entered the service as a private in Company H, One hundred and ninth New York Volunteers, on the 13th of August, 1862, at Binghamton, N. Y., and he is borne on the rolls as present to April 30, 1863. He was discharged the service May 6, 1863, on surgeon's certificate of disability, which states that "he has suffered for the last four months with dyspepsia very severely and has proved himself incompetent for duty on account of idiosyncrasy."

He again enlisted December 25, 1863; this time in Company B, One hundred and ninth New York (the same regiment in which he served his first term), and died on or about October 14, 1864, in Fifth Army Corps field hospital, City Point, Va.; cause of death not noted in the records.

James A. Hull, the father of the soldier, filed an application for pension November 11, 1870, alleging partial dependence upon the soldier at the time of the latter's death. This claim was rejected March 7, 1887, on the ground that death cause is unknown and dependence not established.

The claim was subsequently reopened by the Pension Bureau and sent out for special examination, but on July 14, 1888, it was again rejected on the ground "that soldier did not recognize his obligation to support his father, and died by reason of his own mental incapacity to take care of himself."

It is not denied that the soldier was not "bright," but the testimony as to the extent of his mental deficiency is conflicting. It seems, however, that his mental incapacity was not such as to prevent the Government from twice accepting his services as a soldier in the same regiment.

As to death cause: The evidence adduced upon the special examination of the case shows that for some time prior to his going to hospital the soldier suffered severely from disease of the liver or bowels, and there is nothing to rebut the presumption that naturally arises that he died of said disease. He died while still in the service.

The testimony shows that at and for some time prior to the time of the soldier's death his father, James A. Hull, was in poor health, being incapacitated to a considerable extent for the performance of manual labor by reason of rheumatism. In addition to this, it is shown that he was then and has been ever since a very poor man. He is now seventy-eight years old and in destitute circumstances.

The claimant and other members of his family state under oath that the soldier contributed to his (the claimant's) support by sending him money from the Army and that he made other contributions to his father's support. Many of the witnesses testify that they have no knowledge that the soldier ever contributed anything to his father's support, and believe him to have been mentally incapable of doing any work by which he could be enabled to aid his father. It is shown, however, that the soldier did fatigue duty, such as wood-chopping and work around the cook-house while in the service, and your committee believe that if he could do work of that character he could also do such work as run a farm as would aid his father and family.

It also appears that the claimant lived in a thinly settled district, and the soldier could have done much in the way of farm work and other contributions to the support of the father and family without the fact becoming known to any one outside of the family.

It is apparent that if the relief contemplated by the bill is granted the claimant can not, in view of his great age and disabled condition, remain long upon the bounty of the Government.

After a review of all the facts, your committee return the bill with the recommendation that it do pass.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

MARGARET MALLOY.

The next business on the Private Calendar was the bill (H. R. 9772) for the relief of Margaret Malloy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, directed to place upon the pension-roll, subject to the limitations and provisions of the pension laws, the name of Margaret Malloy, as dependent mother of James Malloy, late of Company D, Third Massachusetts Cavalry.

The report (by Mr. TURNER, of New York) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9772) granting a pension to Margaret Malloy, submit the following report:

Claimant is the dependent mother of James Malloy, who enlisted June 25, 1862, and was discharged October 23, 1864, and thereafter served in Captain Knowles's company of special scouts, and while on such duty as a special scout in advance of the command of General A. J. Smith, on the march from Mobile to Montgomery, was, on or about April 26, 1865, shot and killed. This claim was rejected in the Pension Office on the ground that the death of the soldier was after his discharge from the regular service and while enrolled as special scout.

The testimony of General Canby, of Captain Knowles, and others shows the soldier to have been a man of remarkable daring and courage and that his services were of an exceptional order. He was the support of his mother, who is now old and poor, and cared for by the charity of the Little Sisters of the Poor.

In view of the foregoing your committee recommend the bill do pass.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

ELIZA B. DORRANCE.

The next business was the bill (H. R. 1676) to pay to Eliza B. Dorrance, widow of the late George W. Dorrance, chaplain United States Navy, a pension.

The bill was read, as follows:

Be it enacted, etc., That from and after the passage of this act there be allowed and paid to Mrs. Eliza B. Dorrance, widow of the late George W. Dorrance, chaplain United States Navy, a pension at the rate of \$40 per month during her widowhood, in lieu of the pension she is now receiving.

The report (by Mr. DE LANO) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 1676) granting an increase of pension to Eliza B. Dorrance, widow of the late Chaplain George W. Dorrance, United States Navy, have considered the same, and report as follows:

George W. Dorrance was appointed chaplain, United States Navy, January 2, 1860, and was retired February 14, 1873. He died December 11, 1883, of disease contracted in the service and line of duty, and his widow was placed upon the pension-roll under the general law at \$20 per month.

In support of the bill (which increases her pension to \$40 per month) Admiral David D. Porter makes the following statement: "Mrs. Dorrance is almost totally blind, and she has an invalid daughter dependent upon her for support; she has almost no means of livelihood except her pension." The admiral concludes by expressing the hope that in view of the necessities of the widow the bill for her relief will be passed.

Rear-Admiral Jouett, United States Navy, certifies that the case is a most worthy and deserving one.

When the claimant's application was under consideration by the Pension Bureau it was made special because of her necessitous condition.

In view of the facts stated your committee think the relief prayed for should be granted, and the passage of the bill is therefore recommended.

NOTE.—Amend the title so as to read: "A bill increasing the pension of Eliza B. Dorrance," etc.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed the title being amended so as to read: "A bill increasing the pension of Eliza B. Dorrance, widow of the late George W. Dorrance, chaplain United States Navy."

WINEMAH RIDDELL.

The next business was the bill (H. R. 1890) to pension Winemah Riddell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Winemah Riddell, and to pay her, from and after the passage of this act, during life, the sum of \$25 a month.

The report (by Mr. DE LANO) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 1890) granting a pension to Winemah Riddell, have considered the same, and report:

A similar bill was reported to the House by your committee at the first session of the Fiftyeth Congress. The number of the report is 1413, and your committee adopt as their report so much of the same as is applicable to this bill, and return the bill to the House with the recommendation that it do pass.

[House Report No. 1413, Fiftyeth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (H. R. 2804) to pension Winemah Riddell, having considered the same, report as follows:

The report of Hon. A. B. Meacham, chairman special commission to the Modocs, upon the late Modoc war, and contained in the report of the Commissioner of Indian Affairs for the year 1873, shows that the objects to be attained by the Modoc Peace Commission were: First, to ascertain the causes which have led to the difficulties and hostilities between the United States troops and the Modocs; and, secondly, to devise the most effective and judicious measures for preventing the continuance of these hostilities and for the restoration of peace.

"Messengers were employed to visit the Modocs and arrange for a meeting: First, Bob Whittle and wife, Matilda (an Indian woman), were sent February 19 with instructions to announce to them the presence of and desire the commission to arrange for a council meeting with a view of adjusting the difficulties that existed, and to prevent a reopening of hostilities; also to ascertain with whom the Modocs would prefer to arrange the contemplated council.

"Whittle and wife returned on the 20th, and reported the Modocs willing and anxious to 'meet Riddell and Fairchild to conclude details' for the proposed meeting. Fairchild was intrusted with the message, and, accompanied by Riddell and Artina (a Modoc woman), visited the Modoc camp, a distance of 20 miles from headquarters, with a 'message to Modocs,' as follows: 'Fairchild will talk for the commission; what he agrees to we will stand by. He can not tell you any terms, but will fix a time and place for a council talk, and that no act of war will be allowed while peace talks are being had; no movements of troops will be made. We come in good faith to make peace. Our hearts are all for peace.' This message was signed by Meacham, Applegate, and Case, with the approval of General Canby.

"Fairchild and party returned on the 23d, and reported the Modocs as willing and anxious for peace, but had not arranged for a meeting, because they were 'unwilling to come out of the lava-beds.'

"This proposition was not agreed to, but a request for Judge Steele, of Yreka, to visit them was made, and in compliance he was sent for, with the hope on our part that, from his intimate acquaintance with these people, he might secure the meeting. Judge Steele arrived at headquarters of commission on the 4th of March, and the board of commissioners were called together, now consisting of Applegate, Case, Meacham, and Judge Eschborough, who had been added at the request of General Canby. Steele, being present, accepted the mission as messenger to arrange for the meeting of commission and the Modocs, but unwisely was authorized to offer terms of peace, which was 'a general amnesty to all Modocs on condition of their full and complete surrender and consent to remove to a distant reservation within the limits of Oregon or California.'

"He was further instructed to say to them that 'General Canby would make peace and conclude terms.'

"On the 6th of March, in company with Riddell and Toby, Fairchild, and R. H. Atwell as reporter, Judge Steele visited the Modoc camp.

"Failing to secure a meeting of the commission and Modocs, made then, under instruction, the proposition above referred to, also stating that General Canby was authorized to conclude the arrangement for the surrender and removal. The propositions were not well understood, and created some discussion among the Modocs.

"Captain Jack, speaking for the people, accepted the terms offered, though protests and evidences of dissatisfaction were evidently made. Steele had not, however, seemed to aware of this fact, for on his return to headquarters he reported that 'peace was made; they accept.' A general feeling of relief followed, couriers were summoned to bear dispatches, when Fairchild, who had been with Steele, declared that 'there was some mistake; the Modocs have not agreed to surrender and removal.' The Modoc messengers who had accompanied Steele and party to headquarters were questioned, when it was discovered that some misunderstanding existed.

"Steele, however, confident that he was correct, proposed to return to the Modoc camp and settle the matter beyond question. On Steele's second visit Fairchild declined going, fearing, as he said, 'that the Modocs would feel outraged by Steele's report.' Atwell again accompanied Steele, who, on arrival, or soon thereafter, discovered that a great mistake had been made in reporting the first visit.

The demonstrations were almost of hostile character. He was accused of reporting them falsely and working against their interests. His long acquaintance with Captain Jack and Scar-Faced Charley, and consequent friendship, saved him and party from assassination; these two men, and one or two others, standing guard over him throughout the night.

"The following morning he averted the peril by proposing to return and bring the commission with him, and on this promise he was allowed to depart. On his return to headquarters he made a full report of the visit, stating the facts above referred to and warning the commission of the danger of meeting the Modocs except on equal terms and on neutral ground, and expressing the opinion 'that no meeting could be had, no peace could be made.'

"The substance of these reports and conclusions were forwarded to the honorable Secretary of the Interior, who replied as follows:

"WASHINGTON, D. C., March 5, 1873.

"I do not believe the Modocs mean treachery. The mission should not be a failure. I think I understand their unwillingness to confide in you. Continue negotiations. Will consult the President and have the War Department confer with General Canby to-morrow.

"C. DELANO.

"To A. B. MEACHAM,

"Fairchild's Ranch, via Yreka, Cal."

"On the day following Steele's return from the second visit a delegation of Indians from the Modoc camp arrived. Mary (sister of Captain Jack), acting as messenger, proposed that, if General Canby would send wagons to meet them, the Modocs would all come out and surrender on the terms proposed by Steele on the first visit. General Canby, then acting under the authority of the vote of the commissioners transferring the whole matter to his care, accepted the proposition and named a day on which the final surrender should be consummated. However, before the time appointed, messengers arrived from the lava beds, asking for further time to arrange for leaving camp, alleging that they were then burying their dead and could not come at the time appointed, but would comply at a subsequent period.

"General Canby appointed another day, and assured the messengers that unless they were faithful to the compact he would take steps to compel compliance. The day before the appointed time, Toby Riddell informed General Canby of intended treachery on the part of the Modocs, saying 'No Modocs come; maybe come to steal teams; they no give up.' Her warning was not accredited.

"The wagons were sent. Applegate, sanguine of the surrender, resigned and returned to his home, believing that 'peace was made.' Mr. Case, who had been relieved at his own request, had also left headquarters. Messengers had been sent to the Department at Washington announcing the anticipated result, and the whole country was rejoicing, when, late on the evening of the appointed day, the wagons sent out by General Canby returned without the Indians. All of which was made known to the Department. Further negotiations seemed to be hopeless; nevertheless, knowing the anxiety for the peaceable solution of the trouble, we continued to seek a meeting.

"Instructions were received from headquarters from the honorable Secretary of the Interior, 'to continue negotiations,' and further continuing the commission, General Canby moved headquarters to 'Van Buren,' and with him the commission moved. Soon after Dr. Thomas was added to the commission, also, L. S. Dyer, United States Indian agent, of Klamath. Meanwhile a herd of Indian horses had been captured by Major Riddell, notwithstanding the commission had informed the Modocs, through messengers, that no act of war would be permitted. Failing to arrange on satisfactory terms for a council meeting, the commission was notified by General Canby of the intended movement of troops nearer the Modoc camp.

"The movement was made and headquarters again changed, this time to the foot of the bluff, and within 2 miles of the Modoc stronghold. On the 2d of April the commission, including General Canby, met the Modocs for the first time, about midway between the Modoc camp and headquarters. No conclusions were arrived at, a severe storm coming up compelling adjournment, not, however, until an agreement had been made for the erection of a council-tent.

"Riddell and his wife, Toby, expressed the opinion, on our return to camp, that treachery was intended, but the warning was not respected. On the 4th of April a request was made by Captain Jack for me to meet him and a few men at the council-tent. After a consultation with the board I went, accompanied by Judge Roseborough and J. A. Fairchild, Riddell and his wife, Toby, as interpreters.

"The Modoc chief was accompanied by six warriors and the women of his own family. He (Jack) remarked that he felt afraid in presence of General Canby and Dr. Thomas, saying 'but now I can talk.' He reviewed the whole question from the beginning, mentioning the Ben Wright treachery; the insults of the Klamath Indians while his people were on the reservation; the failure of Captain Knapp, acting agent of Klamath, to protect him, and his several removals while there, but made no complaint of want of subsistence; denied ever killing horses for food, but insisting that Agent Knapp 'had no heart for him'; complained that Superintendent Odeneal had not visited him, and that Odeneal's messengers had promised to come again before bringing soldiers; that Major Jackson had attacked him before he was up in the morning of November 29, 1872; complained also of the citizens taking part in the battle at that time, declaring that had 'no citizens been in the fight, no Indian women and children would have been killed, no citizens would have been murdered,' saying his young men had done a great wrong while in hot blood, but that he could not control them any more than had white men were controlled by American law; and feeling that he could never live in peace with the Klamaths, but wanted a home, 'just the same as a white man on Lost River, the soldiers taken away and the war would stop.'

"On being assured that, since blood had been spilled on Lost River, he could never have it in peace unless the Lost River murderers were given up for trial, he abandoned the request as far as his old home was concerned, saying, 'I give up home; give me this lava-bed; no white man will ever want it.' Again assured that no peace could be made or soldiers removed while his people remained in the lava-bed, but was informed that a new home would be given him and provision made for clothing and subsistence.

"He was unwilling to surrender his men who killed the citizens, saying that the governor of Oregon had demanded their blood, and that the law of Jackson County would kill them; remarking that the 'law was all on one side, was made by the white man, for white men, leaving the Indian all out,' finally declaring that he could not control his people, and that he would die with them if no peace was made.

"No terms were agreed to or further meetings arranged for at that time.

"On the day following Toby Riddell was sent with a proposition to Captain Jack to surrender with such others as might elect to do so. He declined the terms. On her return the messenger was warned of the intended treachery, which she reported to the commissioners and General Canby. This warning was not treated with the respect due the informer. Dr. Thomas questioned a Modoc afterward as to the truth of the report, which being denied, and the name of the author demanded, he replied, 'Toby Riddell.' The same party, of whom Dr. Thomas had made inquiry, was informed by General Gillem 'that unless peace was made very soon the troops would be moved up nearer the Modoc stronghold, and that 160 Warm Spring Indians would be added to the army within a few days.' All of which was reported in the Modoc camp.

"On the 8th of April a messenger visited the commission, asking for a 'peace

talk,' saying that six unarmed Modocs were at the council-tent in the lava bed, anxious to make peace, and asking the commission to meet them.

"The signal officer at the station overlooking the lava beds reported the 'six Indians, and, also, in the rocks behind them, twenty other Indians, all armed.' Treachery was evident, and no meeting was had; further negotiations appeared useless and unsafe.

"On the morning of the 10th of April a delegation from the Modoc camp arrived with renewed propositions for a meeting. The terms proposed were that, if the commission, including General Canby and General Gillem, would come next day to the council tent, unarmed, to meet a like number of unarmed Modocs, thus proving the confidence of the commission in the Modocs, 'that they (the Modocs) would all come to headquarters and surrender on the day following.' Dr. Thomas, who was then acting as (temporary) chairman, submitted the propositions to General Canby. After consultation they decided to accept.

"On the fatal morning of Friday, April 11, the commission held a meeting, and the propriety of keeping the appointment was discussed; Dr. Thomas insisting that it was a duty that must be performed; General Canby saying 'that the importance of the object in view justified taking some risk.' Commissioners Dyer and Meacham recounting the evidences of premeditated treachery, and giving opinions adverse to the meeting. The interpreter, Frank Riddle, appeared before the board and repeated the warning given by Toby, his wife, and saying further, 'that if the meeting must be had, he wanted to be free from responsibility; that he had lived with Toby for twelve years, and she had never deceived him; that if the commission went, it should be armed.' However, General Canby and Dr. Thomas insisted that the compact should be kept, the general remarking that from the signal station a strict watch had been kept, and 'only five Indians, unarmed, were at the council tent,' and further, that a 'watch would be kept on the council tent, and in the event of an attack the Army would come to the rescue.'

"Without following further the report, the result of the appointment above referred to is more comprehensively stated in a lecture prepared by Colonel Meacham, and which he delivered in Park Street Church, Boston, Mass., on the 24th of May, 1874, the substance of which is as follows:

"The preparations for keeping the appointment were being made when Winemah Riddell and her husband made a last protest against the fulfillment of the unwise compact. Dr. Thomas was unwilling to abandon the effort. Commissioner Dyer agreed with me (Colonel Meacham) that the meeting should not take place. General Canby maintained his views, and gave orders for a watch to be kept at the signal station; then, giving some private instructions to his secretary, he dressed in full uniform, without arms, and called for Dr. Thomas. Together they walked off, side by side, towards the peace tent, one mile away. Having failed to dissuade them from going, I had no honorable alternative but to follow.

"I prepared to go, and caught the halter of my horse, intending to mount, when Winemah, unable to suppress her fears, snatched the halter, and winding it around her waist, threw herself upon the ground and cried most earnestly, 'Do not go; you will be killed. The Modocs mad now. Meacham, you no go.' Her entreaty moved me, and I relaxed my grasp of the halter, and calling to General Canby and Dr. Thomas, went to them and renewed my protest against going unarmed.

"They were immovable. I then for the first and only time in my life made use of my fraternal relations to induce them to assent to a promise on my part, as chairman of the commission, to withdraw the army if we found satisfactory evidences of premeditated treachery. This proposition was emphatically rejected also.

"Seeing no alternative, I returned to the commissioners' tent, handed my valuables to Mr. Fairchild, and securing a promise from him that if my body should be badly mutilated it should be buried in the rocks of the lava-beds and not sent to my family, I sought again to mount my horse, when Winemah caught me by the coat and endeavored to detain me.

"Firmly refusing to remain in camp, I bade Winemah and her husband follow, and rode off to the council tent in the lava-beds, accompanied by Commissioner Dyer. Winemah parted with her boy, and with steady nerve mounted her horse and joined Mr. Dyer and myself. Mr. Riddell hastily arranged his business affairs, and also joined us on his danger-fraught ride.

"General Canby and Dr. Thomas were the first of our party to arrive. They were greeted by the Indians with extreme cordiality, General Canby giving to each a cigar. Instead of five unarmed men, including Scar-face Charley, as promised by Boston Charley in negotiating for the council, we found eight well-armed desperadoes, including the notorious cut-throats Hooker Jim and Black Jim. Captain Jack seemed anxious and ill at ease, and did not exhibit the friendship the others of his party pretended.

"General Canby was calm and thoroughly self-possessed. Dr. Thomas did not appear to note any suspicious circumstances, but was endeavoring to impress the Indians with his good intentions. I made my election to abide by the consequences. I knew that the horse beneath me was one of the fleetest in the Modoc country, and notwithstanding the rocky trail could carry me out of danger with a few bounds, which he seemed more than willing to make at the slightest invitation, I made up my mind that Canby and Thomas should not be endangered by cowardly flight on my part.

"Withdrawing my overcoat and hanging it upon the horn of the saddle, I dismounted, dropping the rope halter to the ground, leaving his horse free. Mr. Riddell secured Winemah's horse, and we all gathered round the council-fire.

"Before the talk began I sat down facing the chief and opened the council by referring to the proposition made the day before by Boston Charley, and continued by saying that we were ready to complete the arrangements for peace. Captain Jack asked if we were willing to remove the soldiers from the lava-beds and give his people a home in the country. I felt that if his demand was met we could escape, and although General Canby had refused to allow me to make this promise, I thought that, convinced as he must be of intended treachery, he would feel justified in assenting to the request. Cautiously turning to him I asked him to talk.

"After a moment's waiting he rose and stood erect. Every eye was upon him. All seemed to feel that if he assented to the withdrawal of the army the trouble would be passed over. Whether General Canby realized the situation with all its fearful possibilities and would not avert even then from his purpose, or if he still thought the Modocs had not the desperate courage to execute this plan, can never be known. If he said the soldiers can be removed, the phantom would pass as a dream. If he said they should not be withdrawn, the phantom must soon become a terrible reality.

"With dignity that was peculiar to that brave soldier, he firmly pronounced his own death sentence, as well as that of Dr. Thomas, by saying that the 'soldiers could not be withdrawn.'

"Again and again the Modoc chief repeated the demand for the removal of the soldiers. General Canby, having once refused, was mute. Turning to Dr. Thomas, who was sitting at my left, I asked him if he wished to talk. The doctor dropped forward on his knees, and made the last proclamation of peace. He assured the Modocs that he was a friend to them; that God had sent us to them as messengers of peace.

"The Modoc chief leaned forward and touched me on the arm. He once more declared that no peace could be made until the soldiers were taken away, as he rose and turned his back to General Canby. I believe that to this time Captain Jack had hoped it would be granted, and thereby bloodshed avoided. Schonchin sprang to the seat vacated by Captain Jack, and in loud, angry tones repeated the

ultimatum. Winemah had thrown herself on the ground in front of Dr. Thomas and was interpreting Schonchin's speech at the moment when Captain Jack gave the signal, "Kau-Tux" (all ready). Almost at the same instant the Modoc yell broke from the rocks, and two braves sprang forward bearing rifles.

"Captain Jack drew a pistol and shot General Canby, the ball striking him in the face. 'Ellen's man' joined him in the attack. General Canby did not fall until he had run 40 or 50 yards, when a shot struck him in the back of the head. His assistants came upon him; and, shooting him again, stripped him of his clothing, turned his face downward, and then left him.

"Dr. Thomas received a shot from the hand of Boston Charley. He sank slowly, catching by his right hand. He was permitted to get upon his feet and stagger away a few rods, his murderers taunting him with not believing Winemah, fearing him, and ridiculing his religion and the failure of his prayers. Finally, pushing him down, they shot him through the head, stripped him, and turning him also upon his face, gathered up the dripping garments, and joined the other murderers at the council fire.

"Dr. Dyar, having his horse for a cover when the attack was begun, made good his escape, although pursued by Hooker Jim. Mr. Riddell escaped by running, covered by Scar-Face Charley's rifle, who declared that it was unworthy of a Modoc to kill unarmed men." Simultaneously with the attack on General Canby and Dr. Thomas, Schonchin sprang to his feet, and, drawing both a knife and a pistol, shouted "Chock-e-la" (blood), pointed at my head and discharged the pistol, the bullet tearing through the collar of my coat and vest. Before the next shot Winemah was between him and his victim, grasping his arms and pleading for my life.

"I walked backwards 40 yards while my heroic defender struggled to save me. Shacknasty Jim joined Schonchin in the attack, while Winemah, running from one to the other, continued to turn aside the pistols aimed at me until I went down. After I fell I raised my head above the rock over which I had fallen, and at the instant Schonchin aimed at me so correctly that this shot struck me between the eyes and glanced out over the left eye, which was blinded. A shot from Shacknasty Jim struck me on the right side of the head over the ear, which stunned me and I became unconscious.

"From Winemah and Scar-Face Charley I learned that Shacknasty Jim robbed me of my clothing in part, notwithstanding Winemah's expostulations; that while Jim was unbuttoning my shirt collar one of the other murderers came up with a gun and pointing at my head was just in the act of touching the trigger when Jim pushed the gun up and said, 'Don't shoot any more. Him dead; he not get up; I hit him high up; save the powder.' Having taken my coat, pants, and vest, they left me, saying to Winemah, 'Take care of your white brother.' Winemah wiped the blood from my face and straightened my limbs, believing me dead.

"Boston Charley drew a knife, which, however, was a dull one, and began the difficult task of scalping a bald-headed man, and what added to the difficulty was the strong arms of Winemah, grasping him and hurling him, as though he was but a boy, to the rocks beside me. But Boston had Modoc persistence, and springing to his feet, with his pistol he struck her a blow upon the head, at the same time threatening to shoot her should she again interfere, and resumed the delicate task.

"Winemah, dazed by the blow for a moment, in half-bewilderment, saw the dull blade cutting down to the bone, while Boston, enraged and impatient, set one foot upon the back of my neck, and muttering curses in broken English, succeeded in cutting a circle almost around the upper part of my head, and had already so far lifted the scalp that he had inserted the fingers of his left hand beneath it, preparatory to tearing it off, when Winemah, recovering her presence of mind, resorted to strategy, shouting exultingly, 'Kap-ko Bootee-na-soldier,' (soldiers coming), and Boston left his work unfinished."

From the foregoing statement of facts, it is evident that had the Modoc peace commissioners listened to the persistent persuasions of Winemah Riddle, reiterated by her over and over again, the families and friends of the lamented Dr. Thomas and General Canby would not have been called upon to mourn their atrocious death; and in view of the fact that Winemah Riddle saved the life of such a useful and noble man as Col. A. B. Meacham, and proved herself to be the friend of the white man at the risk of her own life, your committee feel constrained to report these facts for the consideration of the House.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM J. KLINE.

Mr. CHEADLE. I ask unanimous consent for the present consideration of the bill (H. R. 1367) to remove the charge of desertion against William J. Kline.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to correct the military record of William J. Kline, late a private soldier of Company E of the Twenty-ninth Regiment of Indiana Volunteers, and remove the finding of court-martial sentencing him to hard labor and dishonorable discharge, with loss of all pay and bounty, and to pay him all pay, bounty, and allowances as may be due him, without reference to the decision of said court-martial, and to grant him an honorable discharge and all proper relief.

Mr. KILGORE. It would seem to me there ought to be some amendment to this bill.

Mr. CHEADLE. The facts in the case are these: This soldier, after serving three years and a half, committed some violation of military law, for which he was sentenced to imprisonment; and he escaped from prison. For this reason he could not secure from the War Department a correction of his military record, and it became necessary to come to Congress. The Committee on Military Affairs has reported in favor of the bill.

Mr. KILGORE. Well, there is a proposition to pay him everything that was due him. I do not know how much was due him, but I think it ought to be enough for the beneficiary that he should have the charge of desertion removed.

Mr. CUTCHEON. It has been the custom with the committee to strike out the back pay and allowances. I do not remember the circumstances of this particular case.

Mr. CHEADLE. I ask that the report be read.

The report (by Mr. CAREY) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 1367) entitled "An act to remove the charge of desertion against William J. Kline, late a private soldier of Company E, of the Twenty-ninth Regiment of Indiana Volunteers," having had the same under consideration, after a careful investigation of the facts, submit the following report:

We find that the said Kline was enrolled September 21, 1861, to serve three years;

that on the 16th day of December, 1863, he re-enlisted as a veteran volunteer, and served faithfully until on or about March 14, 1865, when he was arrested, court-martialed, and sentenced to be imprisoned for the remainder of his term of enlistment with forfeiture of pay, and that he be dishonorably discharged the service.

The proceedings, findings, and sentence were duly approved June 6, 1865. He was put in prison at Chattanooga, Tenn., June 6, 1865, and guarded until the 1st day of August, 1865, when he escaped from prison, and went to his home. His term of enlistment would not have expired until December 2, 1865. Prior to this date and while in prison he escaped. This escape is held to be a desertion, and Congress not having authorized the removal of charges of desertion when the desertion occurred after May 1, 1865, no relief can be granted the applicant by the War Department.

Your committee find that Kline served three and a half years faithfully prior to his arrest; and we further find that his captain was not on good terms with him, and prosecuted him with unusual malice. In view of this and the fact that Kline served until the end of the war, and was confined more than two months for the offense committed, we think he was sufficiently punished, and that justice demands that the charge be removed and that he be paid all amounts of pay and bounty due him. We therefore submit a favorable report and recommend that the bill do pass.

Mr. CUTCHEON. Mr. Speaker, if this had been an ordinary case of desertion after May 1, 1865, it would have been removable under the general statute at the War Department. But the fact is that this man escaped from imprisonment while undergoing a sentence of a court-martial, and therefore it presents a different question. I do not remember the facts of the case. I do not think I was present when it was considered.

Mr. CHEADLE. The evidence is that there was no more faithful soldier in the command.

There being no objection, the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

HENRY W. BURLINGAME.

On motion of Mr. BURROWS, by unanimous consent, the bill (H. R. 4728) for the relief of Henry W. Burlingame was considered.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Henry W. Burlingame.

The report (by Mr. BELKNAP) is as follows:

The Committee on Invalid Pensions, to which was referred the bill (H. R. 4728) for the relief of Henry W. Burlingame, beg leave to report:

That it appears from the records of the War Department that Henry W. Burlingame was drafted into the service of the United States October 22, 1864, from South Haven, one hundred and tenth subdistrict, Second Congressional district of Michigan, and exempted by the board of enrollment of said district by reason of "loss of right hand."

It further appears from the evidence submitted to the committee that in obedience to said draft said Burlingame started to report at Kalamazoo, Mich., as directed, for examination and enrollment into the service of the United States, and that while on his way to that city, on or about the 1st day of November, A. D. 1864, the said Burlingame, in company with one Abram Johnson, who testifies in the case, went by train from Lawton to Kalamazoo, Mich., and while on said train, in the night-time, it being dark, rainy, and storming, the locomotive whistle gave the signal for a station and the train made a short stop at the village of Oshtemo, a railroad station near the said city of Kalamazoo, when said claimant, the said Henry W. Burlingame, and the said Abram Johnson mistook said station to be Kalamazoo and stepped off the train, but upon being informed of their mistake they immediately attempted to get aboard the train, and in so doing the said Henry W. Burlingame accidentally slipped and fell between the cars and injured his right hand to such an extent that upon his arrival at Kalamazoo the army surgeon, Dr. Hitchcock to whom he reported, advised the amputation of and did himself amputate said Burlingame's right hand above the wrist, and as a result of the loss of said hand he was afterwards exempted from enrollment.

Under the law said claimant can not obtain a pension, as he was never enrolled in the service of the United States, and therefore his only relief is by special act of Congress.

In view of the fact that the claimant in this case was thus severely maimed and crippled for life while responding to the orders of his Government, and that he is now in indigent circumstances and is dependent upon his own personal labor for the support of himself and his family, your committee are of the opinion that he should be placed on the pension-roll, and therefore report the bill back with a favorable recommendation.

WAR DEPARTMENT, Washington City, June 19, 1890.

SIR: Referring to your communication of the 16th instant, requesting a copy of the record of Henry W. Burlingame, who was drafted from Van Buren County, Michigan, in 1864, I am directed by the Secretary of War to inform you that the records show that he was drafted October 22, 1864, from South Haven, one hundred and tenth subdistrict, Second Congressional district of Michigan, and exempted by the board of enrollment of said district by reason of "loss of right hand."

Very respectfully,

F. C. AINSWORTH,

Captain and Assistant Surgeon, United States Army.

Hon. J. C. BURROWS,
House of Representatives.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

MARTHA A. FOSTER.

On motion of Mr. BURROWS, by unanimous consent, the bill (H. R. 6356) for the relief of Martha A. Foster was considered.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Martha A. Foster, widow of David A. Foster, late of Company I, Twelfth Michigan Infantry.

The report (by Mr. BELKNAP) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R.

656) for the relief of Martha A. Foster, have had the same under consideration, and beg leave to make the following report:

It appears from the examination of the files in this case in the Pension Office that David A. Foster enlisted in Company I, Twelfth Regiment Michigan Volunteer Infantry, on the 14th of October, 1861, for three years or during the war, and that he was subsequently wounded at the battle of Pittsburgh Landing on the 6th of April, 1862, and died from the effects of such wound at the marine hospital at Allegheny, Pa., May 2, 1862.

His widow, the claimant named, was pensioned shortly after the death of her said husband and drew a pension as such widow until about the 1st of March, 1872. On the 12th of March, 1872, she contracted a second marriage with a man by the name of Isaac Wilson Chadwick, with whom she lived about one year and a half, when, by reason of his extreme cruelty, she was compelled to leave him, which she did.

Shortly after, the said Chadwick, by fraud and misrepresentations, procured a divorce and immediately after married another woman.

The claimant in this case was induced to contract this second marriage upon representations by the said Chadwick that he was a man of abundant means, and that he would secure to her during her natural life the pension she was then drawing. This he not only refused subsequently to do, but by his extreme cruelty forced her to sever her relations with him.

It further appears that the claimant is sixty-eight years of age and almost entirely destitute of means of support.

The committee, therefore, under the circumstances, report the bill back to the House with a favorable recommendation.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

MRS. CHARITY P. HARRISON.

On motion of Mr. BURROWS, by unanimous consent, the bill (H. R. 6359) for the relief of Mrs. Charity P. Harrison was considered.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Charity P. Harrison, late a nurse in the Army of the United States, and that she be granted a pension at the rate of \$25 a month.

The report (by Mr. BELKNAP) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6359) granting a pension to Charity P. Harrison, submit the following report, and recommend the passage of the bill, amended by striking out the words "twenty-five," in line 8, and inserting "twelve" in place thereof.

The report is as follows:

The petition of Charity P. Harrison, a resident of Cassopolis, Mich., of the age of fifty-seven years, respectfully shows that from January 15, 1863, till the close of the war of the rebellion she was with some military organization and acting in the capacity of a nurse, much of the time at her own expense, without pay from any source; that part of the time she was enrolled as a nurse at the Columbian Hospital, Washington, and performed the duties of a hospital nurse at that place and Fredericksburgh till the war closed; that after enrollment she was paid 40 cents a day and rations, the nurses being mustered for pay once in two months, and signing pay-rolls in the hospital office; that her name is registered as a regular nurse in the Surgeon-General's Office and in the office of the medical director, at Washington, D. C.

That at the time she left home she was a strong, vigorous woman; that the duty performed while acting as a nurse in the service of her country, and sunstroke received while on duty at Fredericksburgh, greatly injured her general health, which is aggravated by and increasing with her advancing years; that she is in limited circumstances, her husband an invalid, and that her relatives and friends are not in circumstances that would justify her in calling on them for pecuniary aid.

She therefore prays, in view of the very small sum paid her by the United States for services rendered during the best years of her life, that she may now be allowed a monthly pension for the remainder of her days, or such other just and reasonable remuneration as she may in equity and good conscience be found to be entitled to, and begs leave to refer to certain letters touching her services, herewith presented, from parties who had personal knowledge of her life while in the service of the nation. Also submit the letter of Dr. F. E. Marsh, and ask that it may be made a part of this report. This letter is as follows:

"I hereby certify that Mrs. C. P. Harrison was employed as a nurse in Columbian College Hospital, Washington, D. C., during my term of service of more than two years, 1863 to 1865, and that I was well acquainted with her during all of that time. She was capable, intelligent, and untiring in her labors to alleviate the distressed and suffering soldier, and in every way was counted among our best nurses, which embraced a corps of sixteen in number.

"I can not at this day particularize, but in attention to duty, correct deportment, modest demeanor, and Christian character count in the make-up of a hospital nurse, these all were a part of her possessions, and were all laid upon the altar of her country. I bespeak for her a corresponding recognition at the hands of the Government.

"Dr. F. E. MARSH,

"Late Acting Assistant Surgeon, U. S. A., and
"Assistant Surgeon Ninth Regiment, Sixteenth Army Corps.

"QUINCY, MICH., December 20, 1889."

The committee recommend the adoption of the following amendment: Strike out, in line 8, "twenty-five" and insert "twelve."

The amendment was adopted.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

CHARLES W. LAMBERT.

The next business on the Private Calendar was the bill (H. R. 5063) for the relief of Charles W. Lambert.

The bill is as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to amend the military record of Charles W. Lambert so as to show him honorably discharged from Company F, One hundred and fifty-second New York Volunteers.

The report (by Mr. CAREY) is as follows:

The Committee on Military Affairs, having had under consideration the bill (H. R. 5063) to amend the military record of Charles W. Lambert so as to show him honorably discharged from Company F, One hundred and fifty-second New York Volunteers, submit the following report:

The War Department records show that Charles W. Lambert was enrolled September 4, 1862, for three years in Company F, One hundred and fifty-second

New York Volunteers, and served until February 9, 1863, when he is alleged to have deserted and never returned. The War Department records further show that Charles W. Lambert was enrolled September 4, 1863, for three years in Company G, First Michigan Volunteer Sharpshooters, and served until June 24, 1865, when he was mustered out of the service.

The claimant states that when he absented himself from Company F, One hundred and fifty-second New York Volunteers, without leave, he was sick and unfit for duty, and went to his parents at Chicago, and was there sick and unfit for duty until September 7, 1863, when he enlisted in Company G, First Michigan Volunteer Sharpshooters, under his own name. He alleges that he did not return to his former regiment because he was afraid to do so after being absent so long without leave.

The claimant further deposes and says that it is impossible for him to get medical evidence as to his physical condition while absent from his command at Chicago, and that it is impossible for him to obtain other evidence of persons who knew him at Chicago at that time, his parents having since died.

Evidence is furnished, however, of a former comrade in the company and regiment from which the claimant is alleged to have deserted, that he was sick and unfit for duty when he left the Army, and that he had been sick a month previous to the time of his leaving; also of a neighbor, who is the present postmaster of the town in which he resides, who states that he has been intimately acquainted with the claimant for thirty years, that he is a worthy citizen and honorable man, and that his reputation for truth and veracity can not be questioned.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

MRS. MARGARET D. MARCHAND.

The next business on the Private Calendar was the bill (H. R. 10054) granting a pension to Mrs. Margaret D. Marchand.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Margaret D. Marchand, widow of Commodore J. B. Marchand, late of the United States Navy, and pay her a pension at the rate of \$50 per month from the date of the passage of this act.

The report (by Mr. CRAIG) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 10054) granting an increase of pension to Margaret D. Marchand, submit the following report:

Margaret D. Marchand is the widow of Commodore John B. Marchand, who enlisted as a midshipman May 1, 1828, and was retired as a commodore in 1870, and died April 13, 1875. The length of his service was forty-two years. He appears to have held the rank of lieutenant, United States ships Ohio and St. Mary's, United States Navy. When captain of the Lackawanna he contributed by his skill and bravery to the naval victory at Mobile Bay, a full account of which is found in report on a similar bill to this in the Forty-ninth Congress. His widow was granted a Mexican war service pension at \$8 per month in May, 1888.

The affidavits of Mrs. Marchand and Alice P. Thornton as to contraction of disease and cause of death originating in the service are as follows:

"On this 15th day of May, 1884, before me, Sprigg Harwood, clerk circuit court for Anne Arundel County, personally appeared Margaret D. Marchand, who, being duly sworn according to law, deposes and says as follows, to wit:

"In the year 1861 my husband, the late Commodore John B. Marchand, then commander, was in command of the steamer James Adgar, off Charleston, S. C., engaged in the naval service of the United States Government in the late civil war. At that date he was in robust health and perfect physical condition. He had always been a man of unusually robust constitution, weighing over 200 pounds, and of perfectly regular habits, and from the day of our marriage, to wit, the 11th day of November, 1856, until the date of his taking command of the steamer James Adgar, in 1861, have never known him to have any sickness with the exception of some trivial derangement of perhaps a day's duration, and never requiring any medical attendance. His habits throughout his entire life were uniformly regular and temperate.

"To the best of my knowledge he went upon blockade duty in the year 1861 in his usual health, and came to our home in Baltimore in 1864 broken down in health and much reduced in flesh after protracted blockade duty and after the severe engagements while in command of the United States steamship Lackawanna in Mobile Bay. At the date of his promotion to the rank of commodore, in the year 1866, for distinguished services, the usual physical examination was waived. Soon after this date symptoms of defective circulation commenced, manifesting itself in the ends of his fingers, they becoming bloodless and livid in color.

"In 1871 he was a frequent sufferer from violent pains in his chest. In the winter of 1873 and 1874 Commodore Marchand was confined to the house, suffering extremely from the swelling of his feet. In the winter of 1874 and 1875 he had hemorrhages of the lungs; the last of these hemorrhages was the immediate cause of his death. Dr. Mahan, of Pennsylvania, our family physician, who attended Commodore Marchand during the early periods of his sickness, is now deceased. Drs. Dale and Zeigler, who attended him at his death, pronounced his complaint from which death resulted to be heart disease.

"My belief is further strengthened by the information of Dr. Ridout, of Annapolis, Md., that the defective circulation, pains in the chest, and swollen limbs were all symptoms of the heart disease, which resulted in Commodore Marchand's death; and that all these symptoms and the disease which resulted in the commodore's death were produced by exposure consequent upon the continuous and excessive duties that he was called upon to perform while in the service of the United States Navy as above stated.

"MARGARET D. MARCHAND.

"Sworn to and subscribed the day and year first above written before me,

[SEAL.]

"SPRIGG HARWOOD,

"Clerk Circuit Court for Anne Arundel County."

"On this 15th day of May, before me, Sprigg Harwood, clerk of circuit court for Anne Arundel County, personally appeared Alice P. Thornton, who, being duly sworn according to law, deposes and says:

"That she is a sister of the within-named Margaret D. Marchand, and that she has read and carefully examined the affidavit of her said sister hereto appended; that she has personal knowledge of the condition of health and different stages of disease that finally resulted in the death of Commodore Marchand; and also personal knowledge of the statements contained in the annexed affidavit, and that she verily believes the same to be true.

"ALICE P. THORNTON.

"Sworn and subscribed this 15th day of May, 1884, before me,

[SEAL.]

"SPRIGG HARWOOD,

"Clerk of Circuit Court for Anne Arundel County."

Commodore Marchand was an aged man when he was retired, and there can be no doubt during his long and faithful service he contracted the disease which caused his death. His widow is now sixty-six years of age.

In view of all the circumstances the committee recommend the passage of the bill with amendment. Change word "fifty" to "thirty."

The amendment recommended by the committee was adopted.
The bill as amended was ordered to be engrossed and read a third time; and being engrossed, was accordingly read the third time, and passed.

JAMES MORRISON.

The next business on the Private Calendar was the bill (H. R. 9370) to remove the charge of desertion from the record of James Morrison, alias James C. Mackintosh.

The bill is as follows:

Be it enacted, etc., That the charge of desertion in the case of James Morrison, alias James C. Mackintosh, an enlisted man in the Navy, who deserted from the United States ship Lexington at Monterey, Cal., October 22, 1848, be, and the same is hereby, removed from the record of his service.

SEC. 2. That the proper accounting officers of the Treasury Department are hereby authorized to settle the accounts for back pay, bounty, and allowances that may be due to said James Morrison, alias James C. Mackintosh, at the date of his desertion from the United States ship Lexington, and to pay the same from any money in the Treasury not otherwise appropriated, upon satisfactory proof being furnished to them by the said Mackintosh of his identity with the said James Morrison.

The report (by Mr. LODGE) is as follows:

The Committee on Naval Affairs, to whom was referred the bill (H. R. 9370) to remove the charge of desertion from the record of James Morrison, alias James C. Mackintosh, having duly considered the same, beg leave to report it back with the recommendation that the same do pass.

It appears from an examination of the facts in the case that James C. Mackintosh enlisted as a seaman in the United States naval service June 22, 1843, and served with credit on the United States steamships Ohio, Cumberland, and Franklin to the close of the Mexican war, when, his term of enlistment having nearly expired, he was transferred to the store-ship Lexington, and while attached to that vessel was doing shore duty at Monterey, Mexico.

In the mean time the gold excitement broke out in California, and he with seven other of his comrades were persuaded to leave for the "diggings." The mark of desertion was accordingly entered against his name on the rolls of the United States steamship Lexington, October 22, 1848. Returning to New York, in 1853, he again re-enlisted, under his right name of James C. Mackintosh, serving faithfully on the North Carolina, Constitution, and the Portsmouth (N. H.) navy-yard, until the outbreak of the war, when he enlisted on the Octorara. He was successively promoted as a petty officer, as a coxswain and gunner's mate, and at the battle of Mobile Bay was severely wounded in the head while at the wheel.

On recovering from his wound he successively re-enlisted again up to the year 1872, when he received an appointment as a watchman in the Boston navy-yard. The gallant Admiral C. R. P. Rogers, who was at that time the Chief of the Bureau of Yards and Docks, spoke of him as follows:

BUREAU OF YARDS AND DOCKS, December 5, 1872.

I have served with James Mackintosh during three cruises, one when he was a boy and twice as a petty officer. I beg leave to recommend him very strongly for employment at our navy-yard. Such faithful seamen well deserve the consideration of naval officers.

C. R. P. ROGERS, Chief of Bureau.

Mackintosh is still in the naval service, and was recently on duty on board the United States ship Galena. In view of his many years of faithful performance of duty, it seems to your committee that it will be but an act of simple justice to give him the relief asked for.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

JOSEPH S. HENDERSON.

The next business on the Private Calendar was the bill (H. R. 4250) granting a pension to Joseph S. Henderson.

The bill is as follows:

Be it enacted, etc., That the Commissioner of Pensions be, and he hereby is, empowered and directed to place the name of Joseph S. Henderson, late of Company H, Twenty-seventh Regiment Iowa Infantry, on the pension-roll, and that said pension be rated at \$16 per month after the taking effect of this act.

The report (by Mr. FLICK) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4250) granting a pension to Joseph S. Henderson, submit the following report:

The applicant enlisted December 29, 1863, in Company H, Twenty-seventh Iowa Infantry, and was discharged November 15, 1865. He made application for pension on the ground that he contracted disease of the eyes in the service. The claim was rejected on the ground that he failed to prove, under the rules of the Department, that he contracted the disease while in the Army.

The proof abundantly establishes his soundness prior to enlistment and shows that he was for some months treated for a fever in hospital at Memphis, Tenn. Also that in 1863, and very soon after his discharge, he was suffering with inflammation of the eyes, from which he has never recovered, and that he is now almost totally blind.

Claimant testifies that disease of his eyes followed and was the result of the fever for which he was treated in hospital in 1864.

In view of the fact that claimant was a sound man at time of enlistment, and was suffering from disease of the eyes soon after discharge, and has been so afflicted ever since, and in view of his testimony, your committee believe the proof sufficient to justify the granting of a pension, and therefore recommend the passage of this bill.

The SPEAKER *pro tempore*. The Chair will call the attention of the gentleman from Kansas to the fact that this bill provides that the Commissioner of Pensions shall grant this pension. The usual form is the Secretary of the Interior.

Mr. MORRILL. That is a mistake in draughting the bill. It should be the Secretary of the Interior, and I move that amendment.

The amendment was adopted.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM J. TERNEY.

The next business on the Private Calendar was the bill (H. R. 10166) for the relief of William J. Terney.

The bill is as follows:

Be it enacted, etc., That the charge of desertion standing against the name of William J. Terney, of Company H, Third Michigan Cavalry, be, and the same is hereby, removed, and the Secretary of War is hereby authorized and directed to issue to him, the said William J. Terney, an honorable discharge.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM T. RHODES.

The next business on the Private Calendar was the bill (H. R. 8600) granting an increase of pension to William T. Rhodes.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to pay William T. Rhodes, late of Company K, Twelfth Regiment United States Infantry, in war with Mexico, a pension at the rate of \$25 per month, in lieu of the pension he is now receiving, subject to the provisions and limitations of the pension laws.

The report (by Mr. SMYER) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 8600) granting an increase of pension to William T. Rhodes, have considered the same and report:

The claimant enlisted June 6, 1847, as a private in Company K, Twelfth United States Infantry, and served in the war with Mexico until January 12, 1848, when he was discharged on surgeon's certificate of disability on account of pulmonary consumption.

He filed an application for a pension in the Pension Bureau March 22, 1879, alleging that he contracted lung disease in Mexico; but the examining surgeon reported no disability existing from said disease, and the claim was rejected. He was subsequently granted a pension at \$9 per month under the Mexican war service act, and the bill proposes to increase the same to \$25 per month.

In his petition for relief the claimant avers that he has never recovered from the disease contracted in Mexico and that he is now sixty-five years old and owns no property whatever. He further states that his only source of income is his small pension, and he is obliged to depend for a support largely upon his wife and two children.

The truthfulness of the claimant's statement is vouched for by thirty-five neighbors and acquaintances, who indorse his petition. His inability to perform any manual labor by reason of nervous exhaustion and general physical debility is shown by the testimony of Dr. A. R. Scruggs, of Hart County, Kentucky.

In view of the facts stated, your committee are of the opinion that the case is a proper one for the action of Congress, and the passage of the bill is therefore recommended.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

JONATHAN C. HUFFMAN.

The next business on the Private Calendar was the bill (H. R. 3501) to remove the charge of desertion from the record of Jonathan C. Huffman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to amend the records in his office so as to remove the charge of desertion against Jonathan C. Huffman, late of Company E, Ninth Kentucky Volunteers, and grant him an honorable discharge from the service of the United States, as of date September 29, 1862.

The report (by Mr. CAREY) is as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 3501) removing charge of desertion against Jonathan C. Huffman, having considered the same, respectfully report:

That the bill proposes to relieve Jonathan C. Huffman of the charge of desertion, as shown by his military record, as a member of Company E, Ninth Kentucky Volunteers, and grant him an honorable discharge to date from September 29, 1862. This soldier was mustered into said company November 29, 1861, and on October 4, 1862, was dropped as a deserter as having been absent without leave since September 29, 1862. On the 17th day of October, 1863, he enlisted in Company E, Fifty-first Indiana Volunteers, and served in that organization as chief musician until mustered out on December 13, 1865.

From the affidavits presented to the committee it appears the soldier was left sick at a hospital in Louisville, Ky., and that about October 1, 1862, he was sent, with others, to find his company, which was supposed to be at Bowling Green, Ky., and that on reaching that point he was told that the regiment had been disbanded, and that its members had gone to their homes. He then visited his brother in Indiana, and after he had, as he supposed, enlisted in the One hundred and eighteenth Indiana Regiment, he was taken sick, and on his recovery he applied to the adjutant-general of Indiana to be forwarded to this regiment. He was told that his name did not appear on the rolls of the regiment. He then enlisted in the Fifty-first Regiment Indiana Volunteers. All the facts of this case are set out in accompanying report of the War Department and affidavits.

Considering the age of the soldier at the time of his enlistment and the fact of his service of more than three years in the Union Army, and that he did not enlist in the second organization to receive a bounty, the committee recommend that the bill pass, amended in line 6 by inserting after the word "Company" the letter "E."

Case of Jonathan C. Huffman, Company E, Ninth Kentucky Volunteers.

RECORD AND PENSION DIVISION, May 19, 1860.

A report in this case was furnished the House Committee on Military Affairs on House bill 3707, Fifty-third Congress, first session, on March 6, 1893, since which date the status of the soldier has not been changed either by the introduction of new testimony or by subsequent legislation.

The following is a copy of the report referred to, to wit:

"The official records show that Jonathan C. Huffman was enrolled September 24, 1861, and mustered in November 26, 1861, for three years as a private in Company E, Ninth Kentucky Volunteers; present with his company to the muster of February 29, 1862, and reported absent, sick in hospital at Louisville, Ky., on same rolls up to the muster of March and April, 1863. On the muster for May and June, 1863, he was reported absent without leave in Metcalf County, Kentucky, since September 29, 1862, and on the return for October, 1863, he was finally dropped as having deserted October 4, 1862.

"On October 17, 1863, he enlisted under the name of John H. Taylor, for three years, in Company E, Fifty-first Indiana Volunteers, and he served with that organization until mustered out on December 13, 1865, as chief musician of the regiment.

"In his sworn application of June 19, 1890, for removal of the charge of deser-

The Surgeon-General of the Army reports, under date of November 30, 1877, that this man was admitted to Union Hotel General Hospital, Georgetown, D. C., July 5, 1862, wounded, disposition not given; entered General Hospital, Davids Island, New York Harbor, September 4, 1862, with "gunshot of hip," and deserted December 13, 1862.

He was discharged by order of the court of common pleas of Crawford County, Pennsylvania, June 12, 1863, on the ground of minority at time of enlistment, and that he enlisted without his father's consent.

Claimant, in affidavit dated January 15, 1884, declares that he was wounded at Malvern Hill, Virginia, and sent to hospital at Georgetown, D. C., and thence to Davids Island, New York; that in the following November he went home on a pass, and was detained at home by his parents on account of his being a minor and because of his wounds; that he was arrested in 1863 as a deserter and released on writ of habeas corpus, and in 1864 enlisted in the Navy, but was rejected on account of his wounds; that he was wounded through both hips, and is now drawing a pension. He further states that he had no desire or intention of deserting, and that he believes himself entitled to an honorable discharge.

Under date of February 29, 1884, he states that he is unable to present his pass, as it was worn out by carrying it in his pocket, but says he can prove by all his neighbors that he had a pass, and that he showed it to them; claims to have gone to his home on transportation furnished by the Government through Col. Charles Burton, the head of the Relief Association of Pennsylvania at New York. (The records fail to show that this man was granted a pass as alleged.)

On February 4, 1886, Hon. J. D. CAMERON, United States Senate, was informed by letter from this Department that this soldier's case does not come within the provisions of the act of Congress approved July 5, 1884, and his release from service by order of a civil court while a deserter at large can not be accepted as an extenuation of his crime of desertion. He was further informed that under these circumstances there is no provision of law under which the charge can be removed.

The status of the case has not been changed by the introduction of additional testimony, nor by subsequent legislation (acts of Congress approved May 17, 1886, and March 2, 1889, respectively).

Respectfully submitted,

F. C. AINSWORTH,
Captain and Assistant Surgeon, United States Army.

THE SECRETARY OF WAR.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WHEELER, of Alabama. Mr. Speaker, as there does not appear to be any further business before the House, I ask unanimous consent to submit some views which have occurred to me as to the far-reaching effect of a law which would place all the machinery of Federal elections in the hands of the central Government. That it would destroy the beautiful equipoise which does so much to give stability to our Government and promises for its ever-enduring permanence there can be no doubt. I also wish in that connection to make some statements as to the experience of the people of Alabama during the period they were governed by officers holding their power by virtue of an election controlled by Federal officials.

I am impelled to address myself to this subject, as the remarkable speech delivered on September 3 by the gentleman from Ohio [Mr. KENNEDY] has confirmed our apprehensions as to the dire purpose of the more extreme Republican leaders regarding the Southern States. In that speech he denounced Republicans who hesitated in the support of the bill as traitors and Judas Iscariots. In referring to the action of the Senatorial caucus in postponing action on the bill, he says:

Every Democrat in the land is to-day applauding the action of the Republican Senatorial caucus.

He also speaks of—

The anxiety and interest manifested everywhere by Democrats for its defeat.

Mark, he unquestionably says that every Democrat in the land manifested anxiety for its defeat and applauded the action of the Senate. "Every Democrat" includes every one of the 4,000,000 Democrats from the States north of the Ohio and Potomac; and the fact that Mr. KENNEDY testifies that every one was opposed to the bill is abundant proof that the best men of the North understood the evil and fearful purposes of its advocates.

SPOILSMEN NOW CONTROL THE REPUBLICAN PARTY.

It is becoming evident that there are two Republican parties in the North: one composed of men who believe in the principles which were advocated by those who claimed for it grand and noble purposes, who seek its preservation because they believe that under its principles perfect liberty, Christian precepts, progress, civilization, the happiness and welfare of mankind can be maintained; the other comprising those who care for nothing and seek for nothing but increase of power, their personal aggrandizement, and the opportunity given them for spoil and plunder.

It is the latter party that demands a bill which would give them a clutch on the Government and the Treasury which could never be loosed. It is this character of men who in 1888, by bribery and fraud, obtained control of the House of Representatives, and it is such men who seek by force and fraud and their own counting and certifying, to retain permanent control of the Government. This Republican party is now dominant in most of the Republican States of the North, and the better elements of all parties are alarmed at its audacity and disregard of the best interests of the people.

Two days ago the gentleman from Ohio [Mr. KENNEDY] made another speech reiterating his demand for the passage of the force bill and denouncing any Republican who did not accede to the extreme views he expressed. The country had then had three weeks in which to read and contemplate his advocacy of imperial methods. In his anxiety to

give proof that his demand that the force bill be put into execution was not approved by the Democratic press he said:

I hold in my hand clippings from various newspapers throughout all America, and I testify to you here to-day that in all of these lines there is not one single Democratic paper that has approved my speech on this floor.

If the statement is true, and I am confident that it is, I beg to ask if there could be much higher proof of the dangerous and evil character of the bill and the utter disregard of right and reason which actuates the Republican members of the present Congress. That the bill is opposed by every one of the great conservative papers throughout all America ought to be sufficient condemnation of the measure.

DECEPTION AND INSINCERITY OF REPUBLICANS.

In order to show that the Republican press and the Republican party sustain him in this position, Mr. KENNEDY said:

I hold in my hand here clippings from hundreds upon hundreds of Republican newspapers throughout all this country, and, with one or two exceptions, my words upon this floor have been approved by the Republican press and by the people of the country.

I hold in my hand here, Mr. Speaker, letters—and these are only a few of the great mass I have received from the country—from every section of the land, from Maine to California, and from the Lakes to the Gulf, indorsing word for word and letter for letter the language and spirit of the speech.

If the gentleman is only partly correct every right-thinking man is admonished that the men who now control the affairs of this country are of too low a moral standard and too devoid of principle and patriotism to be further intrusted with power.

The conduct of the Republican leaders and the partisan Republican press with reference to the force bill is an excellent illustration of their utter insincerity, and is proof that they will scruple at nothing in order to carry out their purposes. The discussions in their caucuses and conclaves showed that the only difficulty they expected to encounter was in the passage of the bill through the House. That being accomplished, they regarded the struggle as virtually terminated.

The Republican majority in the Senate being so large, they considered its favorable action upon the measure as beyond a question of doubt, and they anticipated no delay in the Senate, as according to their view, the bill did not affect the election of Senators nor of any one except members of the House, and they assumed that after the House had passed a bill affecting only the election of its own members it would be a discourtesy for the Senate to hesitate in concurring, even to the extent which would result from ordinary discussion.

Certainly, said these damagognes, the Senate would never venture to suggest an amendment to a bill which their co-ordinate body had arranged for the management of their own affairs.

As an element of proof that these were the views entertained by Republicans, I will read a sentence from Mr. KENNEDY's speech of September 3. In speaking of the bill, he says:

It made no effort to either abridge or deny the rights of the Senate, or in any manner to interfere with the powers, privileges, or duties of its members.

And following a subhead which was in these words, "The opinion of the House should govern," he proceeds:

It was reasonable under such a condition of affairs to presume that the Senate, acting as a co-ordinate branch of the Government, if such a measure was deemed necessary by the House for its own protection and for the welfare and safety of the people, would evidence its assent by the speedy passage of a measure which had been demanded, not only by the House itself, but by the people of the whole country.

Instead of such consideration as was demanded by so important and weighty a measure, the Republican caucus of the Senate of the United States determined to postpone its consideration "to a more convenient season."

These extracts from Mr. KENNEDY's speech certainly tend to confirm the truth of the statements that the conspirators felt that the necessity for concealing their wicked designs only lasted while the case was pending in the House.

Consequently, prior to the passage of the bill the advocates of the measure were loud and vociferous in their declaration that the bill could have no possible effect other than to insure absolute fairness in the election of "members of Congress," and could not possibly have the slightest influence or effect upon the election of any State officials or Presidential electors. This talk was drummed into the ears of the people in season and out of season until after the final vote had been taken, at near midnight, during the evening session of July 2.

SECRET PURPOSES UNCOVERED TOO EARLY.

The moment the Speaker announced that the bill had passed the House the conspirators thought that further deceptions and falsehoods were unnecessary, and immediately they commenced to uncover and boast of the real purposes intended to be attained. Their wicked and nefarious designs were partly unfolded in an editorial which appeared the next morning in the National Republican of July 3, the leading Republican organ of Washington City. It said:

With the Lodge national election law in full force over the South and various Democratic strongholds up North, we may confidently look for a different state of political affairs than now exists. New York City will then return several more Republican Congressmen than at present, while more than twenty negro Representatives from the South will render the Republican control of the future Congress absolutely secure and safe. As Mississippi, South Carolina, and Florida contain a large majority of negroes, and as there are enough white Republicans in Alabama, Arkansas, North Carolina, and Louisiana, acting in concert with the negroes, to put these States into the Republican line, we can confidently look in the future for seven Southern States to be reliably Republican.

This means a gain of fourteen Senators and at least twenty Representatives to the Republican party.

Here the leading organ of the Republican party in the national Capital admits that the assertion which had been so freely made that the law was not to be put in operation in the North was a mere pretense and fraud, resorted to for the purpose of deceiving members of their party who would not otherwise have given their support, and they unblushingly assert their intention of changing the political status of "various Democratic strongholds up North," thus admitting that they intend to avail themselves of the frauds which could be easily perpetrated under the bill, which it is evident they had specially framed for that purpose.

AN ATTEMPT TO NEGROIZE THE SOUTH.

They also admit that they were guilty of falsehood and sought only to deceive when they so lustily asserted that the bill would not affect State elections, for the day after the bill was passed this paper says:

As Mississippi, South Carolina, and Florida contain a large majority of negroes, and as there are enough white Republicans in Alabama, Arkansas, North Carolina, and Louisiana, acting in concert with the negroes, to put these States into the Republican line, we can confidently look in the future for seven Southern States to be reliably Republican.

INTENDED CONFISCATION OF PROPERTY OF WHITES.

The Republican organ then proceeds to explain how it is intended to confiscate the property of the white people of the South. It says:

When through the operation of the Lodge national election law, six or seven Southern States shall discard Democratic rule, we shall look confidently to see some measure of justice done the blacks, who have been so long defrauded of their rights. Heavy taxes should be laid upon the property of the whites to develop and extend the public-school system in those States.

This must mean that their determination is to tax the property of the whites to the point of confiscation, as the whites are already maintaining excellent schools, including universities of a high order, for the education of the blacks, and to do so are taxing their own property as heavily as it will bear. No Northern Republican has studied the condition of the negro schools of the South so closely as Senator BLAIR, and he stated—

That 95,000 black children are attending the public schools in the South, and that the burden of the expense is mainly defrayed by the white people of the South.

MISCEGENATION AND MIXED SCHOOLS.

The National Republican, in its joy and glee, then continues, and further develops the wicked and treasonable designs of these revolutionists, as follows:

Separate schools for the two races should be abolished, and the plan of bringing the youth of both colors into close and equal relations in schools and churches given a fair trial, as one of the most potent elements to break down the detestable Bourbonism of the South. The right of the black to bear arms should be guaranteed to him, as well as all the social rights intended to be secured him by the passage of the fourteenth and fifteenth amendments to the Constitution. The State laws against the intermarriage of the races should be repealed, and any discriminations against the black in the matters of learning trades or obtaining employment should be made a criminal offense, while the colored man's right to hold office should be sacredly protected and recognized. A few years of this policy will solve the race problem satisfactorily.

It seems almost incredible that God could allow men to live who are actuated by feelings so low, vile, and vicious. Miscegenation is contrary to God's command. It has been proven over and over again that the negro and white man are of different species, and that when marriage takes place there can be no offspring beyond the third generation; and yet these people fly in the face of the ordinance of God in their frenzy to destroy the people of one-third of the country. I ask if any man endowed with a spark of honor or christian sentiment can aid such wicked, diabolic designs.

Let us give a more critical examination of some of these admitted and even avowed designs, purposes, and intentions:

First:

With the Lodge election law in full force over the South we can confidently look for a different state of political affairs. * * * There are enough white Republicans in Alabama, Arkansas, North Carolina, and Louisiana, acting in concert with the negroes, to put those States in the Republican line.

FRAUDS UNDER FORMER FEDERAL ELECTION LAWS.

There is no doubt but that the Federal election officers would certify the election of Republican candidates, and there is no question but that a Republican Congress would do any act necessary to Republicanize these States.

This is proven by the diabolic action of a Republican Congress with regard to the only election ever held in Alabama under Federal authority.

The act of March 23, 1867, made provision for a constitutional convention in Alabama, whose members were to be elected under and in virtue of a Federal election law, and section 5 of the act provided that in order to secure adoption or ratification of the said constitution there should be cast—

A majority of the votes of the registered voters.

It so happened that far less than the required number of votes were cast in the election, and Major-General Meade made his report certifying that—

The constitution falls of ratification by 8,114 votes.

And he also stated that prominent Republicans had asked him to make a false report, which of course he refused to do.

Notwithstanding the indisputable fact that the constitution was defeated according to the provisions of the law which authorized the election, this unscrupulous Republican Congress declared it ratified, and immediately admitted the Republican Senators and Representatives who claimed to be elected under said constitution.

There was no pretense that the election was not conducted with perfect fairness; as it was entirely under the control of the military officers of the United States they could not set up that plea. In fact the report of Major-General Meade insisted that it was a fair election in all respects.

If a Republican Congress would commit such an atrocity, could we expect that they would scruple a moment in declaring all Republicans elected without regard to the number of votes they received?

They would not have any difficulty in doing this, as we have seen that the election officers appointed by Davenport, the author of the election bill, were robbers, thieves, convicted felons, penitentiary convicts, and keepers of the lowest dens of depravity and wickedness.

CONFISCATION BY TAXATION.

The passage of the Lodge bill would be a signal to the unscrupulous scoundrels of the United States to gather in the South to repeat, if possible, their carnival of crime, theft, plunder, and robbery which they carried on while the Southern States were under Republican rule from 1867 to 1874.

After thus getting control of the State, what does the National Republican, the organ of the Republican party, further say it is their purpose to do?

Second:

Heavy taxes would be laid upon the property of the whites.

The history of the Republican party in the South leaves no doubt but that this would be done.

They increased State taxes to 1½ per cent. and county taxes in many instances to the same figure, while under good old Democratic days it was less than one-fourth that amount.

They collected and squandered some \$2,000,000 a year, and in addition to this, during the six years of their control, they ran up our bonded debt from \$5,270,000 to \$25,503,593 and reduced the value of State bonds from 108 to 22 cents on a dollar.

They squandered the school fund, paying school officials other than teachers six times as much as is now paid the same officers under Democratic administration.

Third:

MIXED SCHOOLS FOR WHITE AND BLACK.

Serious as all these evils would be, they are as nothing when compared with other indignities and atrocities with which we are threatened. We will read further from this Republican organ:

Separate schools for the two races should be abolished, and the plan of bringing the youth of both colors into close and equal relations in schools and churches given a fair trial as one of the most potent elements to break down the detestable Bourbonism of the South.

That they would promptly commit this crime there need not be the slightest doubt. This was a leading and apparently favorite project in the convention of 1867, the members of which were elected under the Federal election law which Congress enacted for that purpose.

The convention, composed largely of negroes and adventurers from other States, debated in a most inflammatory manner in favor of intermarriage of blacks and whites, mixed schools, and the disfranchisement of large classes of white citizens.

A resolution providing against race amalgamation was tabled by the convention, and a small minority of thirteen members, who had become alarmed at the reckless disregard of the majority, issued an address on December 10, 1867, protesting against the proposed constitution, alleging as a cause that it authorized mixed schools, did not prohibit intermarriage of blacks and whites, and that—

It tended to the abasement and degradation of the white population of the State.

Afterwards, finding that in order to put these projects into operation legislative acts were necessary, bills for such purposes were introduced into the Legislature. I will read one which was voted for by every Republican member except three, and they were, I am glad to say, from the white counties of North Alabama:

SECTION 1. Be it enacted by the General Assembly of Alabama, That citizens of the State of Alabama, or of the United States of America within the State of Alabama, without distinction of race, color, or previous condition of servitude, are entitled to the equal and impartial enjoyment of any accommodation, advantage, facility, or privilege furnished by common carriers whether on land or water, by licensed inn-keepers, by licensed owners, managers, or lessees of theaters, or other places of public amusement, by trustees, commissioners, superintendents, teachers, or other officers of common schools or other public institutions of learning, the same supported or authorized by law, by trustees or officers of cemetery associations or benevolent institutions incorporated by the laws of the State, and this right shall not be denied or abridged on any pretense of race, color, or previous condition of servitude.

SEC. 2. Be it further enacted, That any person violating the foregoing provisions, or aiding in their violation, or inciting thereto, shall, for every such offense, forfeit and pay the sum of \$500 to the person aggrieved thereby.

Judge Bruce, now United States judge, and who would be a controlling factor in elections, should the force bill be enacted in law, was at that time a member of the Legislature. was one of the most earnest

champions of the bill, and spoke in its advocacy for more than two hours.

Fourth:

PROPOSE TO ARM THE BLACKS.

Another design of the advocates of the force bill is expressed in these words:

The rights of the black to bear arms should be guaranteed to him.

It is quite certain that after Republicans had seized the State of Alabama this idea would be put into operation. When they obtained control by the Federal election laws of 1867 they organized and armed a negro militia, and unscrupulous white Republicans sought to have them put on duty.

The governor of the State, William H. Smith, was one of the few Southern white men who were elected in 1868. The demands made upon him by his party associates to order out negro militia under the pretense of enforcing the law were of a character to alarm him and he declined to accede to their demands. He knew that the State was at peace, the laws were obeyed, and that improper motives must prompt such requests. In his annual message to the Legislature, November 15, 1869, this Republican governor said:

Nowhere have the courts been interrupted. No resistance has been encountered by officers of courts in the efforts to discharge the duties imposed upon them by law.

This action upon the part of Governor Smith, together with his refusal to order out the negro militia, called upon him the bitter criticisms and denunciations of Senator George E. Spencer, I. D. Sibley, and others.

On July 25, 1870, in a letter to the Huntsville Advocate, he replied to these attacks and denounced these Republican officials "as systematically uttering every conceivable falsehood," and said:

During my entire administration of the State government but one officer has certified to me that he was unable, on account of lawlessness, to execute his official duties. That officer was the sheriff of Morgan County. I immediately made application to General Crawford for troops. They were sent, and the said sheriff refused their assistance. My candid opinion is that Sibley does not want the law executed, because that would put down crime, and crime is his life's blood. He would like very much to have a kuklux outrage every week to assist him in keeping up strife between the whites and the blacks, that he might be more certain of the votes of the latter. He would like to have a few colored men killed every week to furnish semblance of truth to Spencer's libels upon the people of the State generally. It is but proper in this connection that I should speak in strong terms of condemnation of the conduct of two white men in Tuskegee a few days ago in advising the colored men to resist the authority of the sheriff; and these are not kuklux, but are Republicans.

This is but a sample of the conduct of many Republican officials who were elected under the Federal election laws of that time. They sought to stir up strife. The killing of negroes was to their political advantage and these men and men like them were responsible for many disturbances, in which negroes were too often the worst sufferers. They now seek to again arm the negroes with a full knowledge that these poor creatures would be betrayed by pretended friends into aggression which would be very apt to terminate with disastrous results.

I desire to call special attention to the fact that the Republican governor of Alabama stated that Sibley, the sheriff of Morgan County, demanded that the negro militia be called out; that the governor sent Sibley United States troops in answer to his assertion that "he was unable, on account of lawlessness, to execute his official duties," but that Sibley refused their assistance.

I call attention also to the fact that Governor Smith said that Sibley did—

not want the law executed, because that would put down crime, and crime is his life's blood.

Governor Smith also said that his party associate, Sibley—would like to have a few colored men killed every week.

It was such Republican scoundrels as these who were elected to office under the Federal election law of 1867.

Fifth:

ALABAMA REPUBLICANS SANCTION MISCEGENATION.

Let us look still further into the intentions of these men.

The advocates of the force bill also say:

The State laws against the intermarriage of the races should be repealed.

That this would be done there can be no question. We have seen that this idea of miscegenation was debated and favored by them in the convention of 1867, and also that that body voted down a proposition looking toward its prohibition; but, worse than that, the highest judiciary of that Republican government decreed that all laws prohibiting the marriage of white persons and negroes were null and void and in violation of the acts of Congress and the Constitution of the United States. I read from the decision in *Burns vs. The State*, 48 Alabama Supreme Court Reports, page 195:

Sections 3902, 3903 of the Revised Code, which prohibit the intermarriage of white persons and negroes, are in contravention of the act of Congress of April 9, 1868, known as the "civil rights bill," and repugnant to section 1 of the fourteenth amendment to the Federal Constitution.

The court quotes from section 1, Article XIV of the Constitution, namely:

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States.

And says that negroes are citizens, and that—

One of the rights conferred by citizenship, therefore, is that of suing any other

citizen. The civil rights bill now confers this right upon the negro in express terms, as also the right to make and enforce contracts, amongst which is that of marriage with any citizen capable of entering into that relation.

This unnatural, revolting, unchristian, and ungodly decision of the supreme court of Alabama illustrates the reckless disregard of right which actuated the persons who were given official position by virtue of a Federal election law.

In 1874 we elected a new supreme court, composed of Democrats, who reversed and overruled this decision in the case of *Green vs. State* (58 Ala., 190), which was followed by *Hoover vs. State* (59 Ala., 57).

The case of *Pace vs. State* (69 Ala., 231) involved the same principle. It was appealed by the defendant to the Supreme Court of the United States, which tribunal delivered an opinion affirming the decision of the Democratic supreme court of Alabama, and therefore reversing the case of *Burns vs. State*, which was rendered by the Republican supreme court of Alabama. The Supreme Court of the United States, in the case of *Pace vs. Alabama*, decided that the statutes of Alabama against miscegenation were not in conflict with the Constitution of the United States.

UNITED STATES SUPREME COURT REBUKES ALABAMA REPUBLICANS.

I read from volume 106, United States Supreme Court Reports, page 583:

Section 4189 of the Code declares that "if any white person and any negro, or the descendant of any negro to the third generation, inclusive, though one ancestor of each generation was a white person, intermarry with each other, each of them must, on conviction, be imprisoned in the penitentiary or sentenced to hard labor for the county for not less than two nor more than seven years."

The court after discussing the subject decrees that the law of Alabama, which I have read—

Is not in conflict with the Constitution of the United States.

This shows that the Supreme Court of the United States, although entirely composed of Republicans, revolted at the atrocious ruling of the Republican supreme judges of Alabama; but to more fully illustrate the low character of the officials, even including the judges of the supreme court, who were forced upon the people of Alabama by the Federal election law of 1868, I will call attention to opinions of the supreme courts of Indiana and Pennsylvania.

INDIANA REVOLTS AT MISCEGENATION.

I read the head-note in the case of *State vs. Gibson* (36 Indiana, page 389):

Neither the fourteenth amendment to the Constitution of the United States nor the civil rights bill passed by Congress has impaired or abrogated the laws of this State on the subject of the marriage of whites and negroes. Such a union between members of the different races is a criminal offense by the statutes of this State.

The decision also says (pages 403, 404):

The statute provides that the following marriages are void: When one of the parties is a white person and the other possessed of one-eighth or more of negro blood; and when either party is insane or idiotic at the time of the marriage. Under the police power possessed by the States they undoubtedly have the power to pass such laws.

The people of this State have declared that they are opposed to the intermixture of races and all amalgamation.

The court then adopts and incorporates in its decision the decree of the supreme court of Pennsylvania in the case of *Westchester and Philadelphia Railroad vs. Miles* (55 Pennsylvania State Reports, page 209), in which the learned judges, with great emphasis, declare that it is the duty of the law to protect society from the character of evils which the Alabama Republican judges sought to force upon the people of that State.

PENNSYLVANIA REVOLTS AT MISCEGENATION.

The question considered was the right of a railroad to provide separate localities on their trains for white and black passengers. I read from pages 213 and 214:

Why the Creator made one black and the other white, we know not; but the fact is apparent, and the races distinct, each producing its own kind and following the peculiar law of its constitution. Conceding equality, with natures as perfect and rights as sacred, yet God has made them dissimilar, with those natural instincts and feelings which He always imparts to His creatures when He intends that they shall not overstep the natural boundaries He has assigned to them. The natural law which forbids their intermarriage and that social amalgamation which leads to a corruption of races is as clearly divine as that which imparted to them different natures. The tendency of intimate social intermixture is to amalgamation contrary to the law of races.

From social amalgamation it is but a step to illicit intercourse, and but another to intermarriage. But to a sort of separateness is simply to say that following the order of Divine Providence, human authority ought not to compel these widely separated races to intermix. The right of such to be free from social contact is as clear as to be free from intermarriage. The former may be less repulsive as a condition, but not less entitled to protection as a right.

It is not prejudice, nor caste, nor injustice of any kind, but simply to suffer men to follow the law of races established by the Creator Himself, and not to compel them to intermix contrary to their instincts. * * * Never has there been an intermixture of the two races socially, religiously, civilly, or politically. By uninterrupted usage the blacks live apart, visit and entertain among themselves. In fact, there is not an institution of the State in which they have mingled indiscriminately with the whites. Even the common-school law provides for separate schools.

In the military service, also, they were not intermixed with the white soldiers, but were separated into companies and regiments of color, and this not by way of disparagement, but from motives of wisdom and prudence, to avoid the antagonisms of variant and immiscible races.

ALABAMA REPUBLICAN OFFICIALS DEGRADE WHITE MEN.

What a contrast between the words and moral sentiments uttered by the judges of the Supreme Court of the United States and of the States of Indiana and Pennsylvania on the one hand, and the Republican

judges of the supreme court of Alabama on the other. The former protecting and purifying society and morals; the latter exercising all their weight and force to destroy, degrade, and, if possible, drag down the highest type of man and womanhood to a level with the negro race. It is this degradation which the organ of the Republican party of this Capital city gleefully and joyfully proclaims is to be the dreadful fate of the people of the South—

When the Lodge election law is in full force.

The people who seek to carry out these ungodly purposes do not pretend that they do this for the purpose of or to be in any way beneficial to the negro race, but they plainly assert that their purpose is—

To break down the detestable Bourbonism of the South.

REPUBLICAN BAD FAITH REGARDING EDUCATIONAL BILL.

That the power of the Republican party has never been exercised in the interest of the colored man is quite apparent. There are few measures nearer to the colored man's heart than the education bill, and Republicans have solemnly promised to enact the law for his benefit.

In the Forty-seventh Congress, the Republican Senate refused to pass an educational bill.

The Southern Democrats of the House in that Congress expressed themselves emphatically for the bill. On January 16, 1883, the first vote on the question of considering the bill was 117 for and only 11 against it. The vote was then taken on the resolution to consider and the affirmative vote in favor of the bill was increased to 129, including, I believe, every Southern Democrat except those from Texas. (See CONGRESSIONAL RECORD, January 15, 1883, page 1202.)

In the Forty-eighth, with a knowledge that Speaker CARLISLE and the House Committee on Education were opposed to the bill, they passed the measure, and it died in the House committee, just as these artful Republican Senators had expected.

In the Forty-ninth Congress the Senate passed the bill again after it had become reasonably certain that it would never be considered in the House, and these same tactics were repeated in the Fiftieth Congress.

In the Fifty-first Congress the House was known to be in favor of the bill and the Republican Senators were therefore unable to continue the tactics by which for six years they had deceived the colored people. They feared that if they passed the bill and sent it to the House, as now organized it would be acted on favorably by that body; and the bill to which the Senate gave but eleven adverse votes in the Forty-ninth and but twelve in the Fiftieth Congress was deliberated, voted down, and defeated by the Republican Senators, and this was done in a Senate whose Republican majority had just been increased by the addition of eight Republican Senators from the new States; and I will also state that on each of the votes by which it passed the Senate in the Forty-eighth, Forty-ninth, and Fiftieth Congresses it was supported by three-fourths of the Democratic Senators from the Southern States. The platform upon which Mr. Cleveland was elected said:

We favor the diffusion of free education by common schools; and the Alabama Legislature, which was almost solidly Democratic, unanimously adopted the following memorial:

That the Senators and Representatives in Congress from this State be requested to secure the passage of a bill granting aid to education in the several States upon the basis of illiteracy, the amounts so appropriated to be applied by the several States through their superintendents of education.

It is perfectly clear that a large majority of Southern Democrats have unremittently urged the passage of an educational bill; and besides appropriating largely for the education of the whites, they have, as stated by Senator BLAIR, freely used their own means to educate the colored race; and the facts show that Republicans have taken precisely the contrary course.

Why they are guilty of this treachery towards the colored people of the South I can not say, except that, as you are quite aware, with education the colored men would no longer be their political slaves, but would vote with the party which advocated laws most promotive of their interests and material advancement.

EQUILIBRIUM ESSENTIAL TO OUR SYSTEM.

If there was no other reason for leaving this matter of election with the States, there is one which of itself is absolutely conclusive.

No one political party can continually control all the organizations and departments of a government without drawing to it bad and designing men, until it finally becomes so debased as to sink under the weight of its own depraved and vicious corruption.

Under our system this can not possibly occur. Under the Reed-Lodge-Davenport system it would be impossible to prevent such a result.

Under our system the popular branch of the law-making power can not remain for any long period under the control of one party. Its members are chosen by the people every two years and the elections are conducted through officers appointed by the governor and other State officials.

The States are nearly equally divided between the two great parties, thus producing a balance of power which must always tend to equalization.

If half the States are of the same political party as the one controlling the General Government, and they attempt to enact laws or ad-

minister laws so as to unduly aid in the election of Representatives of their own political faith, the States which are of the opposing faith would be expected to exert their efforts to counteract such proceedings, and the fact that retaliation would result from such legislation has, up to this period of our history, gone very far towards conserving the equilibrium which has maintained the stability of our Government. With this to balance it, it has stood many a shock and many a storm.

BALANCE, NOT FORCE, THE SECRET OF OUR SYSTEM.

While the world marvels at this wonderful structure, the wisest and most sagacious statesmen see the secret of our success in this one great safeguard which our constitutional fathers ingrafted into our system.

Now, Messrs. REED, LODGE, and Davenport say, root it out. If you do this, the historian of the fall of the American Republic may as well commence to prepare for his work.

The party in power would have the absolute control of elections. They have proven themselves utterly, and even criminally, unscrupulous in all matters controlling the elective franchise, and no one could for a moment doubt that the slight weight necessary to turn the balance in their favor would be exercised, and from the date of the passage of this bill every department of the Government would be permanently under their control.

Corruption would pile upon corruption, evil upon evil, usurpation upon usurpation, crime upon crime, tyranny upon tyranny, Reedism upon Reedism, until the weight would become too heavy to be borne, and then the crash would come.

The REED-LODGE-Davenport conspirators do not question but that such a result would be inevitable unless greatly increased power was given to the central Government; and to meet that exigency the regular Army with bayonets and cannon are provided, and the beautiful structure perfected and balanced by Washington, Jefferson, Franklin, and their compeers, so that for more than a century of triumphant progress no shock or attack in the slightest degree affected its proud and stately counterpoise, is now threatened with utter destruction.

Is there a man in Alabama who prefers a government supported by bayonets to one upheld by the love and confidence of the people?

Men who have no thought or desire for the welfare of mankind, who take no pride in the growth, progress, and extended influence of our country among the nations of the earth, care but little whether our land is endowed with God's best blessing or cursed with the worst evils which are threatened by the law to which I have referred. But men who believe the great American Republic has a mission to perform, and that its mission under the guidance of the hand of our Almighty Father is to spread the glad tidings of civil liberty and free christian government, and by its example as far as may be to extend these blessings to the millions of oppressed of other lands who look up to it with reverence, love, and hope, will join us in upholding the principles of government to which we owe our freedom, our progress, and our unexampled prosperity.

To the christian, to the good, and to the patriot who loves the glory of his country better than his own glory, the happiness of the vast concourse of his fellow-men better than his own happiness, we appeal to defend the land of Jefferson, Franklin, and Washington against the treasonable designs of selfish men who, for their own aggrandizement, would risk the life of this beautiful organization whose symbol, floating over land and sea, is loved by loyal hearts, feared by imperial and monarchical tyrants, and respected by all, whether the ruler or the ruled, sovereign or subject, prince or prelate.

During the delivery of the remarks by Mr. WHEELER the following occurred:

The SPEAKER *pro tempore*. The gentleman from Alabama will permit the suggestion that under the rule which governs our action here on Friday evening sessions we have no authority to permit anything to be published in the RECORD except that which pertains to pension legislation.

Mr. WHEELER, of Alabama. It has been decided on two or three occasions that we have, and since those decisions our jurisdiction has been enlarged.

The SPEAKER *pro tempore*. In open session that may be done, but in our Friday evening sessions we are limited to the consideration of pension bills. Permission was given to print to the gentleman from New York [Mr. CUMMINGS] upon a certain subject, but it was a subject of which we had jurisdiction at the Friday evening session.

Mr. WHEELER, of Alabama. But the Chair will recall that our jurisdiction has been extended so as to include considering bills to correct the records of soldiers, and this gives us a wide range which certainly brings the remarks I have made within the rule.

Mr. BAKER. Was not general leave given to print on the election law?

Mr. WHEELER, of Alabama. There is no question about that, and if the Chair desires it the remarks I have made may go in the RECORD under that general permission; but I think the Chair will agree that the remarks I have made would be pertinent to the bill now before the House affecting, as it does, the status of a soldier in the Army. [Laughter.]

In order that the enormity of its expressions may be more fully

comprehended I append the article intact precisely as it appeared on the editorial page of the National Republican of July 3, 1890:

With the Lodge national election law in full force over the South and various Democratic strongholds up North, we may confidently look for a different state of political affairs than now exists. New York City will then return several more Republican Congressmen than at present, while more than twenty negro Representatives from the South will render the Republican control of the future Congress absolutely secure and safe. As Mississippi, South Carolina, and Florida contain a large majority of negroes, and as there are enough white Republicans in Alabama, Arkansas, North Carolina, and Louisiana, acting in concert with the negroes, to put these States into the Republican line, we can confidently look in the future for seven Southern States to be reliably Republican. This means a gain of fourteen Senators and at least twenty Representatives to the Republican party.

When through the operation of the Lodge national election law six or seven Southern States shall discard Democratic rule, we shall look confidently to see some measure of justice done the blacks, who have been so long defrauded of their rights. Heavy taxes should be laid upon the property of the whites to develop and extend the public school system in those States.

Separate schools for the two races should be abolished, and the plan of bringing the youth of both colors into close and equal relations in schools and churches given a fair trial, as one of the most potent elements to break down the detestable Bourbonism of the South. The rights of the black to bear arms should be guaranteed to him, as well as all the social rights intended to be secured him by the passage of the fourteenth and fifteenth amendments to the Constitution. The State laws against the intermarriage of the races should be repealed, and any discriminations against the black in the matter of learning trades or obtaining employment should be made a criminal offense, while the colored man's right to hold office should be sacredly protected and recognized. A few years of this policy will solve the race problem satisfactorily.

CAROLINE A. FAIRFAX.

The next business on the Private Calendar was the bill (H. R. 9506) for the relief of Caroline A. Fairfax.

The bill was read, as follows:

Be it enacted, etc., That the act entitled "An act to restore pensions in certain cases," approved June 9, 1890, shall be construed so as to include within its provisions Caroline A. Fairfax, Washington, D. C.

The report (by Mr. HILL) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 9506) for the purpose of construing the act entitled "An act to restore pensions in certain cases," approved June 9, 1890, having had the same under consideration, submit the following report:

The committee believe that the act of June 9, 1890, was intended to include the widows of officers of the Army as well as those of the Navy.

Mrs. Fairfax is the widow of Henry Fairfax, captain of Virginia Volunteers in the war with Mexico. Her case is similar to that of Jane M. McCrabb and others, which have already received the favorable action of the House.

The bill is returned with a favorable recommendation.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

SUSAN NELSON PAGE.

The next business on the Private Calendar was the bill (H. R. 9531) to restore the pension of Susan Nelson Page.

The bill was read, as follows:

Be it enacted, etc., That the act entitled "An act to restore pensions in certain cases," approved June 9, 1890, shall be construed so as to include within its provisions Susan N. Page, widow of Capt. Francis Nelson Page, United States Army.

The report (by Mr. HILL) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 9531) for the purpose of construing the act entitled "An act to restore pensions in certain cases," approved June 9, 1890, having had the same under consideration, submit the following report:

The claimant, Mrs. Susan Nelson Page, is the widow of Francis N. Page, late captain and assistant adjutant-general, United States Army. He died March 25, 1860, and his widow received a pension of \$30 per month, which was reduced, in accordance with subsequent legislation, to \$25 per month, and still later to \$20 per month, the amount she now receives.

Your committee believe that the act of June 9, 1890, was intended to include the widows of officers of the Army as well as those of the Navy, and the bill is therefore returned with a favorable recommendation.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MORRILL moved to reconsider the several votes by which the various bills were passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The hour of 10:30 o'clock p. m. having arrived, the House adjourned.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred as follows:

A bill (S. 1530) for the relief of the estate of John Ericsson—to the Committee on Claims.

A bill (S. 2623) to authorize the acquisition of lands for coke ovens and other improvements and for right of way for wagon roads, railroads, and tramways in connection with coal mines—to the Committee on the Public Lands.

A bill (S. 3441) supplementary to an act entitled "An act to authorize the construction of the Baltimore and Potomac Railroad in the District of Columbia"—to the Committee on the District of Columbia.

A bill (S. 4155) to provide for the inspection of live cattle, hogs, and the carcasses and products thereof which are the subjects of interstate commerce, and for other purposes—to the Committee on Commerce.

A bill (S. 4161) concerning agricultural entries of land on which min-

eral deposits are subsequently found—to the Committee on the Public Lands.

A bill (S. 4308) to create a subport of entry and delivery at Neche, in the State of North Dakota—to the Committee on Commerce.

RESOLUTIONS.

Under clause 3 of Rule XXII, the following resolutions were introduced and referred as follows:

By Mr. FLOWER:

Whereas this body has been petitioned by the Grand Harbor of American Brotherhood of Steam-boat Pilots of the United States, composed exclusively of licensed masters and pilots, for the appointment of a committee from the House of Representatives to examine into, and, where necessary, revise the laws, rules, and regulations governing the steam-boat inspection service, for the reason that it is claimed by them that many of the said laws, rules, and regulations are arbitrary, unreasonable, ineffectual, and not in keeping with our present exigencies and progress, to the great detriment of the public service; and

Whereas said service, its licensed masters, pilots, and engineers are mainly governed by rules and regulations adopted by the boards of supervising inspectors at their annual meetings and enforced by the Treasury Department, many of which, it is claimed, are capricious, oppressive, and ridiculous, and none of which are clothed with the sanction of statute law; and

Whereas it is further claimed that the management of the service should be rendered more efficient, and that serious complaints and charges have been and are being made against several of its principal executive officers of incompetence, mismanagement, and official misconduct: Now, therefore,

Be it resolved, That a committee of five members of this House be appointed by the Speaker for the purpose of making a thorough investigation of the management of the said service and the present laws, rules, and regulations governing the same, and investigate all charges that have been or may be preferred against any officer thereof, and make recommendations thereupon to this body with all convenient speed; and

Be it further resolved, That said committee shall have full power to summon witnesses, books, and papers, to incur all necessary expense, to employ clerks and counsel, to select times and places for holding its sessions, and to do all such further acts and things as may be requisite in the furtherance of this object; to the Committee on Merchant Marine and Fisheries.

By Mr. BLISS:

Resolved, That the Clerk be authorized to continue in employment after the adjournment of the present session, for such period as he may deem necessary, the assistant journal clerk, and pay him out of the contingent fund of the House at the rate of compensation now paid him;

to the Committee on Accounts.

By Mr. MCKINLEY:

Resolved by the House of Representatives (the Senate concurring), That the President of the Senate and the Speaker of the House of Representatives declare their respective Houses adjourned without day on Tuesday, the 30th day of September, at 2 o'clock p. m.;

to the Committee on Ways and Means.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, reports of committees were delivered to the Clerk and disposed of as follows:

Mr. DOLLIVER, from the Committee on Naval Affairs, reported favorably the bill of the House (H. R. 17) to remove the charge of desertion from the record of Michael Muskell, accompanied by a report (No. 3196)—to the Committee of the Whole House.

Mr. SPOONER, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 2866) for the restoration of William C. Spencer to the Army, reported, as a substitute therefor, a bill (H. R. 12148) providing for a board to examine and report as to the physical condition of William C. Spencer at the time of his resignation from the Army; which was read twice, and, accompanied by a report (No. 3197), referred to the Committee of the Whole House.

Mr. O'NEILL, of Pennsylvania, from the Committee on the Library, reported favorably the bill of the Senate (S. 4057) to authorize the purchase of certain manuscript papers and correspondence of Thomas Jefferson, accompanied by a report (No. 3198)—to the Committee of the Whole House on the state of the Union.

Mr. STOCKBRIDGE, in behalf of the minority of the Committee on Commerce, to which was referred the bill of the House (H. R. 11158) to authorize the New Orleans Terminal Railway and Bridge Company to construct, operate, and maintain a bridge, and all the necessary approaches thereto, over the Mississippi River above the city of New Orleans, State of Louisiana, on the left bank of the Mississippi River, to the opposite bank in said State, submitted their views in writing thereon; which were ordered to be printed as part 2 of Report No. 3131—to the House Calendar.

Mr. PIERCE, from the Committee on Private Land Claims, reported favorably the bill of the House (H. R. 9622) to confirm certain land to Mrs. Zenon Boutte, in the State of Louisiana, accompanied by a report (No. 3199)—to the Committee of the Whole House.

Mr. CASWELL, from the Committee on the Judiciary, reported favorably the bill of the Senate (S. 4047) supplemental to the act of Congress passed in March, 1887, entitled "An act to amend an act entitled 'An act to amend section 5352 of the Revised Statutes of the United States in reference to bigamy, and for other purposes,'" approved March 22, 1882, accompanied by a report (No. 3200)—to the House Calendar.

Mr. DUNPHY, from the Committee on Claims, reported with amendment the bill of the House (H. R. 21) for the relief of Thomas C. Elli-

son, accompanied by a report (No. 3201)—to the Committee of the Whole House.

Mr. GEST, from the Committee on War Claims, reported favorably the bill of the House (H. R. 10778) for the relief of Lester Noble, accompanied by a report (No. 3202)—to the Committee of the Whole House.

Mr. SPOONER, from the Committee on Military Affairs, reported with amendment the bill of the House (H. R. 11766) to correct the military record of Marcellus Pettitt, accompanied by a report (No. 3203)—to the Committee of the Whole House.

Mr. YODER, from the Committee on Invalid Pensions, to which was referred the joint resolution of the House (H. Res. 164) expressing the sense of Congress as to the meaning of existing laws providing pensions for those soldiers and sailors who have sustained the greater loss of an arm and a leg, or who have sustained the lesser loss of one hand and one foot, reported, as a substitute therefor, a bill (H. R. 12149) construing the act of February 28, 1877, increasing the pensions in certain cases; which was read twice, and, accompanied by a report (No. 3204), referred to the House Calendar.

Mr. OSBORNE, from the Committee on Military Affairs, reported with amendment the bill of the House (H. R. 3568) authorizing and directing the Secretary of War to revoke the order dismissing Second Lieut. Edwin F. Nixon, accompanied by a report (No. 3205)—to the Committee of the Whole House.

Mr. DAVIDSON, from the Committee on the Library, reported favorably the bill of the House (H. R. 422) to authorize the purchase of the manuscript of William Vans Murray, accompanied by a report (No. 3206)—to the Committee of the Whole House on the state of the Union.

Mr. LODGE, from the Committee on Naval Affairs, reported favorably the bill of the House (H. R. 2121) for the relief of W. W. Beck, accompanied by a report (No. 3207)—to the Committee of the Whole House.

BILLS AND JOINT RESOLUTIONS.

Under clause 3 of Rule XXII, a bill and a joint resolution of the following titles were introduced, severally read twice, and referred as follows:

By Mr. HOPKINS: A bill (H. R. 12150) to prevent national banks from acting as agents of lottery companies and forfeiting the charters of said banks for violations of the postal laws—to the Committee on Banking and Currency.

By Mr. CUTCHEON: A joint resolution (H. Res. 230) to authorize the Secretary of War to loan two light field guns to the Michigan Military Academy—to the Committee on Military Affairs.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. BROOKSHIRE: A bill (H. R. 12151) granting a pension to John W. Ramsey—to the Committee on Invalid Pensions.

By Mr. CALDWELL: A bill (H. R. 12152) for the relief of Henry L. Morey—to the Committee on Military Affairs.

By Mr. PERKINS: A bill (H. R. 12153) for the relief of Thomas F. Richardson—to the Committee on Indian Affairs.

By Mr. ROCKWELL: A bill (H. R. 12154) granting a pension to Sheldon Norton—to the Committee on Invalid Pensions.

By Mr. STIVERS: A bill (H. R. 12155) authorizing the donation of certain condemned cannon to the New York Military Academy, a chartered school of the State of New York, situated at Cornwall, near West Point, New York—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petition was laid on the Clerk's desk and referred as follows:

By Mr. FLOWER: Petition of American Brotherhood of Steam-Boat Pilots of the United States, asking for certain legislation—to the Committee on Merchant Marine and Fisheries.

SENATE.

SATURDAY, September 27, 1890.

The Senate met at 12 o'clock m.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. ALLEN presented a petition of 58 citizens of Lynden, in the State of Washington, praying that the Police Gazette and similar publications may be excluded from the mails; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Clear Lake Alliance, No. 1, of Spokane County, Washington, praying for the passage by the Senate of the

Conger lard bill; which was referred to the Committee on Agriculture and Forestry.

Mr. PADDOCK presented a petition of 31 residents of Scott's Bluff County, Nebraska, praying for the passage of Senate bill 3991, known as the pure-food bill, to prevent adulteration and misbranding of food and drugs; which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of the retail grocers of Philadelphia, Pa., remonstrating against the passage of House bill 283, commonly known as the Conger lard bill; which was referred to the Committee on Agriculture and Forestry.

Mr. BLAIR presented a memorial of the Labor Alliance of New Orleans, La.; a memorial of colored Republicans of the Fourth district of New Orleans, La.; a memorial of the Seventh Ward Central Club, composed of colored citizens of New Orleans, La., and a memorial of the Teamsters and Loaders' Union Benevolent Association of New Orleans, La., remonstrating against the passage of the Conger lard bill; which were referred to the Committee on Agriculture and Forestry.

Mr. SHERMAN presented a petition of the keeper and surfmen of the Cleveland life-saving station, praying for larger compensation to employes of the Life-Saving Service; which was referred to the Committee on Commerce.

He also presented a petition of the council of the city of Cleveland, Ohio, praying for an increase in the pay of employes of the Life-Saving Service; which was referred to the Committee on Commerce.

Mr. MANDERSON presented two petitions of citizens of Colfax County, Nebraska; petition of citizens of Nuckolls County, Nebraska, and a petition of citizens of Seward County, Nebraska, praying for the passage of Senate bill 3991, known as the Paddock pure-food bill; which were referred to the Committee on Agriculture and Forestry.

REPORTS OF COMMITTEES.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (H. R. 10811) granting a pension to Asa Joiner, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 10810) granting a pension to Samuel S. Humphreys, reported it without amendment, and submitted a report thereon.

COURTS IN IOWA.

Mr. WILSON, of Iowa. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. 11154) to repeal part of section 6 of an act entitled "An act to divide the State of Iowa into two judicial districts," approved July 20, 1882, to report it favorably without amendment; and, as it relates to the convenience of the United States court in the northern district of Iowa and the safety of the records, I ask that it may be considered now.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It repeals so much of section 6 of an act entitled "An act to divide the State of Iowa into two judicial districts," approved July 20, 1882, as requires courts held under the provisions of the act to be held in buildings provided for that purpose without expense to the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WINES'S REPORT ON DEFECTIVE CLASSES.

Mr. MANDERSON. I am directed by the Committee on Printing to report the following resolution, and I ask for its consideration and passage:

Resolved, That the order of the Senate of August 3, 1890, first session Forty-ninth Congress, to print Wines's Report on Defective Classes is hereby repealed, the same having been printed as a miscellaneous document of the Forty-seventh Congress.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. COCKRELL. What document is that?

Mr. MANDERSON. This document is a volume of the Census of 1890. It was ordered printed at the first session of the Forty-ninth Congress. Because of the imperfect copy received at the Printing Office it has not yet been printed, and we think it best, as it has become very stale matter, that it should not be printed. A part of the material, perhaps all that is essential, was printed as a miscellaneous document in the Forty-seventh Congress. The Public Printer reports this condition of facts, and upon inquiry we are satisfied that there is no necessity for the printing of this volume.

Mr. COCKRELL. Is that in regard to vital statistics?

Mr. MANDERSON. It is in regard to the defective classes.

Mr. COCKRELL. Defective dependent classes?

Mr. MANDERSON. Yes.

Mr. COCKRELL. There is only part of that which was ever published in the final reports of the Tenth Census, as I understand.

Mr. MANDERSON. Yes; that is true.

Mr. COCKRELL. I do not remember seeing the separate report to which the Senator refers. Was that an octavo volume or a quarto?

Mr. MANDERSON. I presume it was a quarto volume, as nearly all those publications were in that form. In fact I know it was in that form. I have seen the matter that was printed.

Mr. COCKRELL. I do not recall it in quarto form.

Mr. MANDERSON. It seems to have become out of date, and it is really useless to go into this expenditure at this time.

Mr. CULLOM. I desire to ask the Senator from Nebraska a question. The Senator, I believe, states that the Public Printer reports that he thinks it is not necessary to print this volume. It seems to me he is not the man to judge whether a public document ought to be printed.

Mr. MANDERSON. I submit to the Senator from Illinois that that is the judgment of the Committee on Printing, and we merely submit it to the judgment of the Senate. If the Senate thinks it should be printed, we certainly have no objection.

Mr. CULLOM. I merely desired to inquire whether it would not be wise, in view of the amount of matter that was gathered together by that officer, to submit it to the inspection of the present Superintendent of the Census.

Mr. MANDERSON. I have consulted in this matter, I will say, with the Senator from Maine [Mr. HALE], who has exercised supervision and is fully acquainted with the facts, and the recommendation of the committee has been made only after such consultation and suggestion.

Mr. HALE. We considered it in the Forty-seventh Congress, and it was thought that all that was of any essential importance was covered in the publication made then, and since then it was not deemed by the committee advisable, in fact it has not been requested by the office, to print it.

Mr. CULLOM. It was on a resolution, I think, that I introduced myself in the Senate that whatever was printed finally was printed in the document to which the Senator refers. I never did know exactly what proportion of the amount of the matter that had been gathered was printed, or whether a sufficient number of volumes was printed for the use of the country.

Mr. MANDERSON. This was in addition to the usual number of the census report. The same number of this volume on the defective classes was printed under the general law governing the printing of the volumes of the census. This was an extra number of copies, I think as many as \$500 would print, as it was a Senate resolution. I ask for the adoption of the resolution.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

CIVIL SERVICE COMMISSION REPORT.

Mr. MANDERSON. I am directed by the Committee on Printing to report back favorably the House concurrent resolution for printing the sixth annual Civil Service Commission report, and I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the concurrent resolution; which was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That of the sixth annual report of the United States Civil Service Commission, for the year ending June 30, 1889, there be printed 31,000 extra copies; of which 2,000 copies shall be for the use of the Senate, 4,000 for the House of Representatives, and 25,000 for the United States Civil Service Commission.

Mr. COCKRELL. The fifth report has already been published, I presume.

Mr. MANDERSON. Yes, it has been published. This provides for extra copies.

Mr. BLAIR. I inquire of the Senator what is the occasion for the commission having so large a proportion of these reports?

Mr. MANDERSON. Because, as we are informed by the president of the commission, the report contains the instructions and the rules of the Civil Service Commission governing examinations, and the habit of the commission is to use this report to answer inquiries from all over the country with reference to that subject-matter.

The VICE-PRESIDENT. The question is on agreeing to the concurrent resolution.

The resolution was concurred in.

Mr. MANDERSON. I report back adversely the concurrent resolution of the Senate authorizing the printing of 50,000 copies of the sixth annual report of the United States Civil Service Commission, for the year ending June 30, 1889, and move that it be postponed indefinitely.

The motion was agreed to.

THE LIQUOR TRAFFIC.

Mr. MANDERSON. From the Committee on Printing I report adversely the resolution submitted by the Senator from New Hampshire [Mr. BLAIR] authorizing the printing of hearings on the alcoholic liquor traffic, and I move that it be indefinitely postponed.

The motion was agreed to.

Mr. MANDERSON, from the Committee on Printing, to whom was referred the following resolution, submitted by Mr. BLAIR September 24, 1890, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved, That there be printed for the use of the Senate 10,000 copies of the Report No. 1884, Fifty-first Congress, first session, and of Miscellaneous Document No. 317, Fifty-first Congress, first session, being the report and hearing under

the joint resolution proposing an amendment to the Constitution in relation to alcoholic liquors, to be in pamphlet form.

BILLS INTRODUCED.

Mr. MORGAN introduced a bill (S. 4437) to forfeit to the United States the lands claimed by the Northern Pacific Railroad Company as having been granted to said company between Bismarck, in North Dakota, and Wallula, in Washington; which was read twice by its title.

Mr. MORGAN. I should like to say that I hope the Committee on Public Lands, to whom I asked that the bill be referred, will take early and prompt action upon it, because a bill has passed both Houses forfeiting part of that domain, and the friends of the measure in both Houses have admitted that that bill does not affect in any way the land between Wallula and Bismarck. Inasmuch as I think that our action may be misunderstood about it, I desire to have prompt action upon this bill, and I also desire that those lobbyists who have been here in favor of the Northern Pacific Railroad may be suspended, if I can effect that purpose, in getting their fees for the work they have been doing about Congress. I think the best way to do it is for the Senate and House to take up this subject of the forfeiture of that land grant.

The VICE-PRESIDENT. The bill will be referred to the Committee on Public Lands.

Mr. ALLEN introduced a bill (S. 4438) granting an increase of pension to James R. Lewis; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4439) granting a right of way across the Scarborough Hill military reservation to the Ilwaco Railway and Navigation Company; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. SAWYER introduced a bill (S. 4440) granting a pension to Lockie W. Reeves; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BLACKBURN introduced a bill (S. 4441) relating to junk dealers, dealers in second-hand personal property, and pawnbrokers in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. WILSON, of Maryland, introduced a bill (S. 4442) providing for a board to examine and report as to the physical condition of William C. Spencer at the time of his resignation from the Army; which was read twice by its title, and referred to the Committee on Military Affairs.

NICKEL ORE OR MATTE FOR THE NAVY.

Mr. HALE. Mr. President—

The VICE-PRESIDENT. Is there further morning business? If not, that order is closed.

Mr. HALE. I move to take up the joint resolution that went over yesterday.

The VICE-PRESIDENT. The Senator from Maine moves that the Senate proceed to the consideration of the joint resolution (H. Res. 228) authorizing the Secretary of the Navy to purchase nickel ore or nickel matte for use in the manufacture of nickel-steel armor, and for other naval purposes.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the joint resolution.

Mr. CAMERON. I move to reconsider the vote by which the amendment I submitted was agreed to yesterday.

The motion to reconsider was agreed to.

The VICE-PRESIDENT. The question is on agreeing to the amendment offered yesterday by the Senator from Pennsylvania. It will be considered as disagreed to, if there be no objection.

Mr. CAMERON. I withdraw the amendment.

The VICE-PRESIDENT. The Chair hears no objection. If there be no further amendment as in Committee of the Whole, the joint resolution will be reported to the Senate.

Mr. PLATT. I should like to inquire what the necessity is for appropriating a million dollars when Congress will be in session again in two months. I simply desire to say that if it is necessary for the purposes of the Government, that is all right.

Mr. HALE. That is just it.

Mr. PLATT. But it is going to be a continual menace hanging over the head of everybody who is engaged in making articles out of nickel in the United States; that is to say, the probability that a million dollars' worth of it may be required will immediately advance the price to all consumers of nickel and interfere with all the contracts that they have made. If there is not to be a million dollars' worth purchased, it seems to me the appropriation ought not to be for a million dollars.

Mr. HALE. The Senator himself has suggested what is the real need; and it is necessary that it be done now, and not be put off until the next session, in order that the Government may get the control of this valuable ingredient and not lose the chance of purchasing it. It will go elsewhere unless it is purchased now. I do not wish to consume any of the time of the Senate, Mr. President.

Mr. GORMAN. Mr. President, I objected yesterday to the consideration of the joint resolution for the reasons which I then gave, and which it is not necessary to repeat now. I know, as a matter of course, from official sources nothing whatever of the proposition. It

was entirely new to me, and all the information that I had was gathered from the public prints and from communications from persons who are not connected with the Government. While I dislike at this time of the session to take up a matter of this sort, and thought then, and do now, that possibly it would have been better to have it go over, at the same time I am assured by those who have the responsibility of the Government that after a thorough examination this becomes an absolute necessity in the interest of the public service; I am bound to accept that statement. Having, as I said yesterday, perfect confidence in the very able gentleman who presides over the Navy Department, I shall content myself with allowing the joint resolution to pass without another word.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The VICE-PRESIDENT. What action shall be taken with the Senate joint resolution upon the same subject?

Mr. HALE. Let it be indefinitely postponed.

The VICE-PRESIDENT. Senate joint resolution No. 129 will be postponed indefinitely.

REBECCA A. GREEN.

The VICE-PRESIDENT. If there be no further morning business, the Calendar under Rule VIII is now in order for one hour. The first bill on the Calendar will be stated.

The bill (H. R. 11578) granting a pension to Rebecca A. Green was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Rebecca A. Green, formerly widow of George W. Barker, late of Company F, Ninth Iowa Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 17) to remove the charge of desertion from the record of Michael Meskill;

A bill (H. R. 2375) to correct the military record of Lieut. Cornelius McLean;

A bill (H. R. 3174) granting a pension to Mrs. Frederika B. Jones;

A bill (H. R. 4238) pensioning Maria T. Lee;

A bill (H. R. 5583) for the relief of Charles Duerson;

A bill (H. R. 5717) for the relief of Margaret Constable;

A bill (H. R. 6048) granting a pension to Mary Robinson;

A bill (H. R. 6196) granting an increase of pension to Matthew C. Griswold;

A bill (H. R. 6809) granting a pension, to Nancy M. Gross;

A bill (H. R. 7107) to grant pension to W. B. Cloer, late private in Company L, D. Storm's Arkansas militia;

A bill (H. R. 7110) for the relief of Charles S. Blood;

A bill (H. R. 8508) granting a pension to Ann Carr, of Vevay, Ind.;

A bill (H. R. 8925) granting a pension to Nathan G. Brown;

A bill (H. R. 9132) granting a pension to Lydia Hood;

A bill (H. R. 11027) granting a pension to Benjamin Scram;

A bill (H. R. 11344) to correct the military record of Abram F. Springsteen;

A bill (H. R. 11534) to pension Mrs. Letitia Staenglen;

A bill (H. R. 11916) for the relief of Owen T. Gale, alias Thomas Mott, late of Company E, Eighty-first Regiment New York Volunteers; and

Joint resolution (H. Res. 231) to correct an error in the act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved September 19, 1890.

The message also announced that the House had passed the following bills:

A bill (S. 435) granting a pension to Malinda Collins;

A bill (S. 573) granting an increase of pension to Mark F. Carter;

A bill (S. 792) granting a pension to Martha J. Dodge;

A bill (S. 957) granting a pension to Mary L. Miller;

A bill (S. 1040) granting a pension to Thomas H. Wilkerson;

A bill (S. 1812) granting an increase of pension to Emily F. Warren;

A bill (S. 1971) for the relief of William Clawson;

A bill (S. 2531) granting an increase of pension to Benjamin T. Baker;

A bill (S. 2574) granting a pension to Benjamin F. Brown;

A bill (S. 2575) granting a pension to Margaret Flaherty;

A bill (S. 3159) granting an increase of pension to Albert P. Davis;

A bill (S. 3234) granting a pension to Harriet B. Hamilton;

A bill (S. 3275) granting a pension to John William Cable;

A bill (S. 3431) granting a pension to Martha N. Hudson;

A bill (S. 3543) granting a pension to Salina B. Merrick;

A bill (S. 3649) granting increase of pension to Katherine W. Howell;

A bill (S. 3760) granting a pension to J. Seaton Kelso;

A bill (S. 3952) to authorize the construction of a bridge across the Alabama River at or near Selma, Ala., by the Selma and Cahawba Valley Railroad Company;

A bill (S. 4046) granting a pension to William Norwood; and

A bill (S. 4011) to authorize the Canaveral and South Florida Railroad Company to construct and maintain a bridge across the Indian River and one across the Banana River, both in the State of Florida, and to establish the same in each case as a post-road.

The message further announced that the House had passed the following bills, with amendments in which it requested the concurrence of the Senate:

A bill (S. 3196) granting an increase of pension to Michael McGarvey;

A bill (S. 3532) granting a pension to Georgiana W. Vogdes;

A bill (S. 4370) granting a pension to John M. Dunn;

A bill (S. 4081) to provide for the incorporation of trust, loan, mortgage, and certain other corporations within the District of Columbia; and

A bill (S. 4309) granting the right of way to the Sherman and Northwestern Railway Company through the Indian Territory, and for other purposes.

ALIEN LABOR CONTRACTS.

Mr. BLAIR. Is the Calendar in order?

The VICE-PRESIDENT. The Calendar is in order and is being proceeded with.

Mr. BLAIR. Calendar number 1998, House bill 9682, was under consideration yesterday morning, and I suppose should be resumed at this time.

The VICE-PRESIDENT. The Senator can call it up.

Mr. BLAIR. I do.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9632) to amend "An act to prohibit the importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia."

The VICE-PRESIDENT. The pending amendment will be stated.

The CHIEF CLERK. In section 5, page 5, line 16, after the word "singers," it is proposed to insert "nor to any organization of musicians or orchestra."

The VICE-PRESIDENT. The amendment will be regarded as agreed to, if there be no objection.

Mr. COCKRELL. What is it that is being agreed to?

The VICE-PRESIDENT. The amendment will be again read.

The Chief Clerk read the amendment.

Mr. COCKRELL. By whom was that amendment offered?

The VICE-PRESIDENT. By the Senator from Kansas [Mr. PLUMB].

Mr. COCKRELL. Now let it be reported in the line in which it comes.

The VICE-PRESIDENT. The amendment will be again stated.

The CHIEF CLERK. In section 5, at the end of line 16, after the word "singers," it is proposed to insert "nor to any organization of musicians or orchestra."

The VICE-PRESIDENT. The question is on agreeing to the amendment.

Mr. HOAR. I desire to move to amend, after the word "professors," by inserting the words "or teachers."

Mr. PLUMB. Let us have one amendment at a time.

Mr. HOAR. I wish to know whether it is in order now.

Mr. PLUMB. Let the amendment I have offered be disposed of, and then we can go back and the Senator can offer the amendment he desires.

Mr. HOAR. I was not sure whether what I want to move is applicable to the present amendment or whether it should be a separate amendment.

Mr. PLUMB. Let it be moved as a separate amendment.

Mr. HOAR. Very well.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Kansas [Mr. PLUMB]. If there be no objection, the amendment will be considered as agreed to.

Mr. BLAIR. I do object to the amendment offered by the Senator from Kansas.

The VICE-PRESIDENT. Then the question is on the amendment. The amendment was agreed to.

Mr. HOAR. I desire to amend the bill by inserting after the word "professors" the words "or teachers," where it says "professors for colleges and seminaries."

The VICE-PRESIDENT. The amendment will be stated.

The CHIEF CLERK. In section 5, line 16, after the word "professors," it is proposed to insert "or teachers," so as to read:

Ministers of religion, learned professors or teachers for colleges and seminaries.

The VICE-PRESIDENT. The amendment will be regarded as agreed to, if there be no objection.

Mr. BLAIR. I object, Mr. President. We might as well let the bill go as to pick it all to pieces in this way.

Mr. HOAR. The university in the city in which I live and of which I happen to be a trustee engaged Professor Klein, the most famous living mathematician in the world, to come to this country and spend three years as a teacher in the service of that institution; and when the engagement was made it turned out that the contract-labor bill, as interpreted by the Treasury Department of the United States, pre-

vented that eminent scholar from coming to this country for that purpose. Now I am endeavoring to amend the bill so that it will reach that case, and that it will not bring the cause in which it is moved into absolute contempt by covering such a case. I do not think the Senator from New Hampshire is quite justified in treating that amendment as a motion to pick his bill to pieces.

Mr. BLAIR. Where does the Senator desire to insert the words "or teachers?"

Mr. HOAR. After the word "professors," in line 16 of section 5. This gentleman is not coming to take a professorship, but he is coming for three years as an instructor or lecturer, if he comes.

Mr. BLAIR. The amendment may be agreed to so far as I am concerned.

The amendment was agreed to.

Mr. SHERMAN. As a bill in regard to immigration which I had the honor to report to the Senate on the 18th of February, 1864, has frequently been made the subject of criticism in the Senate, especially a year or two ago and also yesterday, I desire to call attention to the fact that when that bill was reported it was accompanied by a very full report and I think a very complete statement of the whole case with respect to immigration, consisting of some eight printed pages. I did not recall the fact that I had ever made a report upon the subject of immigration; I had forgotten it until an extract was read from it yesterday. It was twenty-six years ago, and therefore I never mentioned the fact that there was a report about it, although I recalled the bill and the reasons why it was passed. That report is on record, and it shows clearly the special reasons why the bill was passed. It is a report which I feel more proud of now than I did then, I am quite sure, because I see that it covers the whole ground; and I ask, therefore, not only in my own justification, but in justification of that act as a wise act under all the circumstances, that a few paragraphs may be read from it which show the reasons and the motives that influenced the passage of the act in the midst of the civil war.

The Chief Clerk read as follows:

The special wants for labor in this country at the present time are very great. The war has depleted our workshops, and materially lessened our supply of labor in every department of industry and mechanism. In their noble response to the call of their country, our workmen in every branch of the useful arts have left vacancies which must be filled, or the material interest of the country must suffer. The immense amount of native labor occupied by the war calls for a large increase of foreign immigration to make up the deficiency at home. The demand for labor never was greater than at present, and the fields of usefulness were never so varied and promising.

The South, having torn down the fabric of its labor system by its own hands, will, when the war shall have ceased, present a wide field for voluntary white labor, and it must look to immigration for its supply.

The following may be mentioned as the special inducements to immigration:

First. High price of labor and low price of food compared with other countries. Second. Our land policy, giving to every immigrant, after he shall have declared his intentions to become a citizen, a home and a farm substantially as a free gift, charging him less for 100 acres in fee-simple than is paid as the annual rent of a single acre in England.

Third. The political rights conferred upon persons of foreign birth.

Fourth. Our system of free schools, melting in a common crucible all differences of religion, language, and race, and giving to the child of the day laborer and the son of the millionaire equal opportunities to excel in the pursuit and acquirement of knowledge. This is an advantage and a blessing which the poor man enjoys in no other country.

The mutual interest of the United States and the immigrant being established, the next inquiry is, what facilities have been extended by the United States to promote immigration? And when we come to examine this subject we find that very little is done by the Government to promote this most desirable end. The movement so far has been purely voluntary on the part of the immigrants, or induced by letters from their friends in this country advising them to join them here. No bounties are offered or pecuniary aid extended, and it is but recently that immigrants have been protected by passenger laws.

As most of the emigrants are landed at the port of New York, and many of them were landed sick or in a state of utter destitution, the authorities of that city were compelled to provide for them, though the great body were merely transient passengers, seeking a home in the West. This led to the incorporation, in 1847, by the State of New York of the board of commissioners of emigration, an organization which has bestowed upon the poor and comparatively helpless emigrant, the sick and the needy arriving on our shores, benefits and charities which can not be estimated by figures and statistics.

It only remains to inquire what measures, if any, it is expedient for Congress to adopt to encourage legislation. In the opinion of your committee the plan submitted by Mr. Froisarth with his petition involves too great an expenditure. It provides for the establishment of a bureau of foreign immigration and the appointment of a large number of salaried officers and asks for an appropriation of \$125,000.

Your committee have considered the bill entitled "A bill to incorporate the North American Land and Emigration Company," but perceive this radical objection to a private corporation: Such a body will necessarily look to their own pecuniary interests, and in the effort to advance these will neglect or sacrifice the interests of the immigrants.

It has been proposed to offer a direct bounty to immigrants, or to pay their passage-money. The objections to this system are numerous, of which these are obvious: First, the bounty must be paid to all immigrants, whether it was the inducement to immigrate or not; and though the bounty was small, it would involve an annual expenditure of millions. Second, those who would be induced to immigrate would be only the idle, very poor, or vicious of foreign populations, while the thrifty would not be influenced by so trifling a consideration. Third, foreign Governments would unquestionably object to their populations being induced by bounties to immigrate, and might justly prevent the great depletion of labor that would result from it.

Your committee are of the opinion that the only aid to immigration the United States can now render would be, first, to disseminate in Europe authentic information of the inducements to immigrate to this country; second, to protect the immigrant from the impositions now so generally practiced upon him by immigrant runners and the like, and, third, to facilitate his transportation from New York to the place of his destination, or to the place where his labor and skill will be most productive. These objects may be accomplished without

great expenditure, and without changing the relation heretofore held by the United States to the emigrant.

With this view your committee report the following bill and recommend its passage.

Mr. SHERMAN. It will thus be seen that the report gives the reasons very fully which justified the bill that was passed in 1864; but I do say that since that time the class of immigration coming from some foreign countries has been such as it would make it proper to exclude a portion of, and therefore I am in favor of this bill or any other bill that will prevent the poisoning of the blood of our people in any way whatever by the introduction of either disease, crime, or vice into our midst, and all paupers or persons who are unable to earn an honest livelihood by honest labor. That is the correct principle. I think we did during the war go to the extreme in one direct on to invite people to come among us to share our benefits and advantages, and we gave the reasons why we did so; but now the period of time has arrived when men of all parties, all conditions of life, all creeds, ought to be willing to limit and regulate immigration, so that only those who are able to labor and toil in the ordinary occupations of life and to earn a livelihood should be allowed to come. It is a high privilege to enter into American citizenship. Neither a pauper, in the strict legal sense of the word, nor any man unable to make his living, or an imbecile, or one who has a defect or imperfection of body or mind which lowers him below the standard of American citizenship, should be allowed to immigrate to this country.

Mr. EVARTS. I ask attention to section 3 of the bill, which deals with the subject of transportation and exposes the masters of ships bringing hither immigrants to considerable severity of punishment and on, as I think, very vague protections against injustice and injury.

The first amendment that I will ask to be made to this section is in line 2, to strike out the words "or who" and insert "and;" and the point there is that, under this inhibition and the penalty that follows, it is a complete crime to bring one of these proscribed immigrants. By the use of the word "or" it is complete to bring him here although the master should have ascertained the fact and should not land the proscribed immigrant. The crime ought to be complete only when the master brings and lands such a person. I hope there will be no objection to that amendment.

Mr. CULLOM. Does the Senator propose to strike out the word "bring?"

Mr. EVARTS. No; I propose to strike out the words "or who," in the second line, and insert the word "and," so that coupling together the bringing and the landing shall be the criminality.

The VICE-PRESIDENT. The amendment will be stated.

The CHIEF CLERK. In section 3, line 2, after the word "vessel," it is proposed to strike out "or who" and insert "and;" so as to read:

That the master of any vessel who shall knowingly bring within the United States on any vessel and shall land or permit to be landed from his vessel, etc.

Mr. BLAIR. I do not know whether the Senator is occupying the floor so that the question can not be put, or whether the Chair will put the question while the Senator occupies the floor so that there can be no reply to what he has stated.

Mr. EVARTS. I have no desire to occupy the floor further on the amendment.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from New York.

Mr. BLAIR. Mr. President, the Treasury Department has been most anxious to have the law amended so as to read as it does in this section. This is not as stringent as it was desired to be, but some modifications were effected in the other House before the bill came here, lessening its stringency. One point where difficulty has been experienced, as I understand, is this: That the law has been evaded by the master bringing the immigrant or the laborer who has been contracted for in the vicinity of the landing wharves and then covertly allowing the immigrant to be taken off the ship and taken ashore in some other direction, and so it was thought that in order to hold the master to his liabilities—for it is only through the master who is in the management of the vessel in which the immigrant is conveyed that the evil can be reached—he should be held responsible for the passengers he carried.

Therefore it was deemed desirable to have the law so framed that the act of landing could be fixed upon the master, and that being evaded he should be held liable for the act of bringing. Of course no master brings a man here unless he lands, and no immigrant is brought unless he is landed. If the master is held liable and does not perform the specific act of landing or is not supervising that act of landing, or if the landing is held to be technically at the wharves and that act is done with due legal formality, and the act of landing is held to be the offensive act and the immigrant is quietly taken off by a boat outside the harbor or away down the harbor and put ashore, then the master is not reached at all by the law as it has hitherto been, and the purpose of the law is evaded. It was the object of this section to hold the master for either the act of bringing or of landing, or both combined, as the case might be; and although it may appear to operate with some hardship at times upon an innocent master, if you can suppose that the

master is ignorant of the character of the cargo which he is bringing, nevertheless the public policy seems to require that the evil shall be eradicated, and if the evil is eradicated it can be reached only by stringent regulations which take hold of the master of the ship. This section is designated to accomplish that.

These words "who shall bring or land" the Senator proposes to change by striking out the disjunctive expression "or who" and inserting instead of that the word "and;" so that it shall read:

That the master of any vessel who shall knowingly bring within the United States on any vessel and shall land, or permit to be landed, from his vessel from any foreign port or place, etc.

The master has got to be held to liability and shown to be in actual control throughout the accomplishment of the entire series of acts from the taking on board and bringing to the actual landing, wherever that may be held to be, or he is not liable at all. I would object to this amendment but that I do not believe it will do any good.

The VICE-PRESIDENT. The Senator's time has expired.

Mr. BLAIR. I should like to have enforced against myself and others the five-minute rule.

Mr. HISCOCK. I would suggest that all of the difficulty stated by the Senator from New Hampshire might be obviated in this way: by striking out the words "or who" and inserting "and," and then, in the third line, after the word "landed," inserting the words "or to leave his vessel to be landed." That language would cover the case which the Senator suggests.

Mr. BLAIR. The words "or permit to be landed" would be exactly the same as the words already in the bill.

Mr. HISCOCK. I think it is all covered by the word "permit;" but the Senator says there is trouble there; that they can be taken off the vessel down the harbor, or something of that kind, and that the word "permit" would not cover it. It seems to me it would; but if it will not, if that is the trouble, it can be remedied by inserting something else—another provision.

Mr. COCKRELL. Let the amendment of the Senator from New York [Mr. HISCOCK] be read.

The VICE-PRESIDENT. The amendment will be stated.

The CHIEF CLERK. In section 3, line 3, after the word "landed," it is proposed to insert "or to leave his vessel to be landed;" so as to read:

That the master of any vessel who shall knowingly bring within the United States on any vessel, and shall land or permit to be landed, or to leave his vessel to be landed from his vessel, from any foreign port or place, any alien laborer, mechanic, or artisan, etc.

The VICE-PRESIDENT. The question is on the amendment submitted by the Senator from New York.

The amendment was agreed to.

Mr. HISCOCK. The question was put upon which amendment—the one suggested by my colleague, or that by myself?

The VICE-PRESIDENT. The one read by the Chief Clerk. They were both read together. Both amendments will be considered as agreed to if there be no objection.

Mr. PLATT. Let the amendment which was adopted be again stated.

The VICE-PRESIDENT. There are two amendments. The language of the section will be read as it will stand with the amendments.

The Chief Clerk read as follows:

That the master of any vessel who shall knowingly bring within the United States on any vessel, and shall land or permit to be landed or to leave his vessel to be landed from his vessel, from any foreign port or place, etc.

The VICE-PRESIDENT. This is in the form of one amendment which has been agreed to.

Mr. PLATT. What is the other?

The VICE-PRESIDENT. That includes both the amendments.

Mr. HOAR. I rise to offer an amendment to section 5.

Mr. HISCOCK. I should like to understand whether the amendment striking out the words "or who" and inserting the word "and" has been agreed to.

The VICE-PRESIDENT. That amendment has been agreed to.

Mr. EVARTS. In reference to the same section I wish to insert in the first line the word "willfully" instead of "knowingly," and I wish also to strike out the last two lines of the section, and I shall find it convenient to express my views on these two amendments. I should like to learn whether I am under any restriction as to debate.

The VICE-PRESIDENT. Debate is limited to five minutes by each Senator.

Mr. EVARTS. I did not hear of any such restriction yesterday, but now I am told that one can speak but once and one can speak for five minutes only.

The VICE-PRESIDENT. But once, and for five minutes on any given question. The amendment submitted by the Senator from New York will be stated.

The CHIEF CLERK. In line 3, section 1, after the word "shall," it is proposed to strike out "knowingly" and insert "willfully;" so as to read:

That the master of any vessel who shall willfully bring within the United States on any vessel, etc.

Mr. EVARTS. Mr. President, I have called attention to the last two lines of this section, which must be considered in reference to the penal arrangements of the section, those last two lines providing that the mere act of bringing such a proscribed immigrant hither and landing him shall be deemed *prima facie* evidence of the master having known it. We have now something of this kind of legislation, that while a criminal shall be protected under our general system, yet for certain purposes when the ingredient of guilt is intent and knowledge, yet if a certain fact occurs, that shall be considered as evidence to convict.

Now, without enlarging generally upon these propositions, look at the attitude of the master of one of the great ships which ply between Europe and New York. He takes on board at Liverpool or at Bremen 1,200 passengers. What is there for him to ascertain whether any proscribed immigrant is among them? What possible evidence is there? But the fact that he has brought one that afterwards is found over here under proof to have been one of that kind, he is to be punished.

Mr. President, there is no criminality in bringing immigrants hither, and we have not proscribed immigrants. We have undertaken to say that persons who by contracts are to come here and work after they have got here are to be sent back, and those who intermeddle in the transaction knowingly and improperly are to be punished. Now, where is this question of knowledge to be placed? After a master has taken one of these proscribed immigrants on board he must bring him here, although afterward he may find out that he is within proscription, and he is punishable, although he has found it out for the first time after the immigrant is on board and the ship has sailed, and then knowledge is to be imputed to him unless he can prove innocence. Therefore we are entitled to every proper protection under these very stringent penalties, and hence I have thought that it was not undue to the proper protection of navigation and of the transportation of immigrants who are lawfully brought here that this word "knowingly," which may be considered as ambiguous as to any ingredient of willful purpose as I pointed out, shall be substituted by the word "willfully," which will show that when he sails from a port he has with purpose brought one of the proscribed immigrants. The proscription is of laborers, mechanics, artisans. I think those are the only ones that are subjected to the treatment of this section. How can a master know whether a person is a mechanic, an artisan, or a laborer? And if the proscription is limited to those classes, immigrants who wish to evade it will always report themselves as being of some other pursuit.

I do not think, unless we are willing to stop immigration and are to treat transportation according to the necessary rules of transportation of great multitudes of people themselves as a dangerous thing, it is too much to say in the third section that the word "willfully" shall be substituted for "knowingly."

Mr. BLAIR. Mr. President, in regard to the last point that the Senator makes, that the master should not be bound to know whether those on board are mechanics, laborers, or artisans, it ought to be sufficient I think to say that he should be chargeable, and may as well be made chargeable with such knowledge as the common carrier or the owner of a vessel, whether an individual, a corporation, or a company. Somebody is chargeable with the knowledge of this law. This traffic exists in the laborer, the mechanic, and the artisan, and the law undertakes to prohibit the traffic. Those engaged in it must take notice and find out whether they are violating the law in some way, and the master of the vessel who comes in close contact with the individuals must be able to ascertain, if anybody can.

In regard to the substitution of the word "willfully" for the word "knowingly," I have to say that that word "knowingly" has been in the statutes from the beginning. If the word "willfully" be substituted for it, it must be done with the design of restricting the operation of the statute to a master who has in his mind a willful and affirmative purpose to violate the law. It is not sufficient that he have knowledge of the nature of the traffic in which he is engaged. The vessel of which he is the master under others is engaged continuously, and he can always say that he did not do this willfully, because he was a mere servant of the superior power under whom he was simply a wage-worker himself. But the law does not, at least it has been thought it was sufficient in order to attain success in the restriction of this traffic that the master should be allowed to be engaged in this nefarious traffic, as the law looks upon it, with knowledge of the nature of the business he is engaged in; and if he has knowledge he must get out of the business or otherwise he becomes a part of it. He is not at liberty to know that he is commanding a vessel engaged in violation of the law and be excused simply by saying that his employer hires him to do it and he is merely the servant, and therefore is not willfully engaged in the violation of the law. It is sufficient that he be knowingly engaged. So I think that the word "willfully" should not be substituted for "knowingly," which has been in the statute from the beginning.

With regard to the second of the suggested amendments striking out the words "the fact of such bringing or landing shall be *prima facie* evidence of such knowledge;" that can be repelled by the master himself testifying to the contrary. If he is charged with this crime, under the general laws of the country the accused can testify, and he knows

better than anybody else what his knowledge was, and he can break up this *prima facie* case by his own testimony if he sees fit to give it under the pains and penalties of perjury; but if he is not willing to testify that he has not such knowledge, certainly he ought to be held to be in possession of it.

Mr. WOLCOTT. Mr. President, I think neither the real reason nor the best reason has yet been given why this bill should become a law. It can not be because the people to be brought in are foreigners, for a large majority of the federations which are pressing the passage of the bill are themselves foreigners, and this legislation, if it passes, does not affect more than 3 or 4 per cent. of the immigration which comes to this country.

It can not be, as has been suggested, because these people are poor, for 99 per cent. of all foreign immigration is poor, and this bill offers no protection whatever to those who come by contract labor and yet have money in their pockets.

The real reason why this bill is pressed for passage is because labor all over the country is very properly seeking organization, and the way they can enforce their claims is by drawing all labor into their organizations and thereby compelling employers to meet their just demands; and they have found that employers, driven to the wall, go abroad and employ labor in quantities to come over here. These new laborers in time invariably join their organizations, but until they get acclimated, until they learn what these labor organizations mean, they make some trouble to these organizations, and therefore it is sought to keep them out.

Each political party desires the vote of these labor organizations, and therefore we cheerfully and unanimously pass all these measures which they present. This may be a perfectly good reason, and I by no means mean to intimate that it is not, but to my mind it is not the best reason. The best reason is that a measure of this kind serves even in some small way to limit and to scrutinize the importation of foreign labor. It is true we are commencing in a curious fashion. We are saying to the people who come over here with employment already at their hands, who are to scatter all over the country and find work at once, "You can not come;" and we are saying to the hundreds of thousands of other people who come here with hardly money enough to keep them a week and with no immediate prospect of work, "You are welcome and you can come;" and while into this country there come every year without contract many men of the best possible material for good citizenship, it is nevertheless true that there also come thousands who are aliens in race, in language, in thought, and in habit, who seek the slums of the great cities, and swell our criminal list, always taking the first steps towards citizenship in order that they may receive certain police and political protection.

But this bill is yet a step towards limiting the importation of these laborers; slight, indeed, but yet a step, and therefore should become a law. If the ballot is to have value and is to have intelligence back of it, it seems to me that the time has come when we should say to all foreigners who come here, "If you come loving liberty and because you want to live under a free Republic and obey its laws and help build up its institutions, you are welcome to our shores; you may come here, and you shall have the protection of our flag, and your children born upon the soil may cast their votes, but otherwise you are not wanted." And we should give notice to foreign nations that the vicious, the degraded, the ignorant, the fugitives from justice are not welcome to these shores, and that we offer no haven and no refuge to the anarchist and the socialist. I would, if I could, like to amend this bill by including not only the parson and the fiddler and the singer and the teacher and the skilled laborer in new industries; I should like to see also included every intelligent and right-minded man who came here because he loved our institutions and wanted to grow up under them whether he had a contract before he came or not, and to keep all others out. The test is by no means impossible. Every intelligent and upright judge, before he bestows the final token and badge of citizenship on men of foreign birth, first exacts from them some knowledge of our institutions, some evidences of patriotic motive in asking to share with us the privileges of American citizenship.

But, Mr. President, because this bill is a slight move in the way of discrimination in citizenship, I am in favor of its passage.

The VICE-PRESIDENT. The Senator's time has expired.

The question is on the amendment proposed by the Senator from New York [Mr. EVARTS].

The amendment was agreed to.

Mr. EVARTS. I now move to strike out the last two lines of section 3. Those lines provide that the criminality created in this section shall be considered proved *prima facie* by subsequent proof that the proscribed immigrant has in fact been introduced. Now what is that fact? It is that there has been a free contract; and instead of the ordinary principle that the accused shall be regarded as innocent until he is proved guilty, and that until evil intent and evil knowledge have been shown they shall not be presumed, this is turned into a *prima facie* conviction of every ship-master when on any degree of evidence it may be apparent that there is no ingredient of conviction of him in knowledge or purpose.

The Senator from New Hampshire has spoken of certain rules that re-

gard criminality in smuggling and in violation of the revenue system on the part of masters and subjecting the master and the ship itself to penalties, and, if you please, severe penalties, but those are all on facts which demonstrate themselves. The articles are on board; the articles are sealed; the articles are smuggled or attempted to be smuggled, or there has been a suppression of the venality, and that is an act of the master, and then as a presumption it must be inferred that there was a guilty knowledge. That is of the same nature in which there may be a presumption that one has stolen goods by finding the goods in his pocket, or something of that kind. But this is a vague and open question, whether there has been a free contract, and it was not made manifest because it was intended to be kept secret.

But besides, in all revenue forfeitures of a ship or the master's penalties in reference to violations of restrictions, there is in all such statutes a reserved right on the part of the Treasury Department to remit the penalties upon evidence that there was no actual guilt.

The Senator stated that all our criminals now and all accused parties are able to testify in their own behalf. I do not know how that is, but if he states that, I must take it as his view at least; but without it, what right is there when there may be an inquisition taking proof in Europe and taking proof here to find whether the *corpus delicti* has occurred, and then when it has occurred this master who takes on board twelve hundred passengers to bring them across is to be held guilty unless he can prove what? Innocence. He may not know one man from another. Why should he? How can he? He has other things to do. Therefore I say at least this protection must be given, that if these very stringent penalties which affect a ship, denying a clearance and everything of that kind, are to be supplemented by a provision that if there is on board a proscribed immigrant on this kind of proscription that I speak of, therefore the master must purge himself.

Mr. GRAY. I should like to ask the Senator from New York before he takes his seat, unless he has already alluded to it—for I was out of the Chamber when he commenced to speak upon this amendment—how the captain of a ship, under the provisions of this act, is to pass upon the various exemptions which are contained in this bill? For instance, if this provision should become a law he must know whether the professor is a learned professor—that is the phrase, a "learned professor"—that he is an artist, a musical artist, etc.

Mr. EVARTS. In this section we are now talking about, in this proscription, the penalty is limited to laborers, mechanics, and artisans.

Mr. GRAY. Yes, but that is limited to contract labor, and he commits an offense if he brings over any of the proscribed people; but out of that proscription are excepted certain classes, parsons, ministers of religion, rabbis, musical artists, "learned professors," in the phrase, and if we were disposed to be captious about words we should have to institute a sort of civil-service examination to test the knowledge of the professor, whether he be really learned or only a charlatan; but, not dwelling upon anything so captious as that, there are various exceptions which in reality impose upon a captain of a ship, if this bill becomes a law, an inquisition in all these particulars to know whether the party accused came under the exceptions or not.

Mr. BLAIR. It is sufficient, I think, to say to the Senator from Delaware that the Senator who has made this objection to the section admits that it does not constitute an offense to bring any of these excepted persons whatever. The person brought contrary to the law must be a laborer, a mechanic, or an artisan; and the master does not trouble himself with any of the exceptions that are mentioned later on of learned professors, etc. With reference to the last amendment and the remarks of the Senator from New York let me read the provision:

The fact of such bringing or landing shall be *prima facie* evidence of such knowledge.

That is, knowledge that the law has been violated in the transportation upon this particular ship under the control of this master, of laborers, mechanics, or artisans under contract. The fact that the thing has been done, that the law has been violated, must first be established precisely the same as the *corpus delicti* in a charge of murder. The unlawful taking of human life must first be established before the question of the liability of any particular individual for the commission of the crime arises at all. So here it must be proved that the law has been violated by the transportation in the vessel and the landing from it of a laborer, an artisan, or a mechanic under contract. Now, that being done, who did it? It was done by the master of the vessel, done in this vessel under the control of this master. It is then his specific act, his physical act. The question is whether he has knowledge, and if so he is liable to punishment.

It is a universal rule of the criminal law that a man is held to have designed the natural consequences of his own act; and from the bringing of these people in this way, the natural and inevitable consequence is the commission of this crime, and so here this man is held liable only to the natural common-law presumption of having intended to do what he did do. That makes a *prima facie* case against him. This is a very liberal provision, because under our general laws this man may testify himself as to his knowledge.

Mr. PLATT. Is that so?

Mr. BLAIR. That is as I understand the law of the country in all criminal cases and civil cases also. I so understand it.

Mr. HAWLEY. Mr. President, I can understand that it is quite proper to hold the master of a vessel responsible for all cases of dynamite or other explosives or dangerous materials, because everything brought to him as freight is examined by the agents of the vessel or of the company, and it is all put upon the manifest with great care, so many cases of this, that, and the other. But here 1,200 or 1,500 immigrants come upon a vessel at Bremen or Liverpool or Queenstown, and whatever the boards of health of those places require probably has been furnished them. But how under the sun is the captain to be held responsible for an oral agreement that one or ten of those passengers may have made with some American traveler or some American correspondent, an agreement that when these persons get over here they shall have work with such a firm, or shall be employed as coachmen or anything of that sort? You may say it is right and proper and just to hold the captain responsible for that class of persons, as it is to hold him responsible for dangerous freight; but it is not true.

It is cruel, in my judgment, to impose that responsibility upon the owners or captains of vessels, unless we supplement it by an examination of all proposed immigrants by our consuls or by some authority appointed for that purpose. It would be humane, simply humane—I do not speak of the business aspect of it—but it would be just and humane if this bill contained a section providing that none should be received except coming from certain ports and that at each of those ports there should be a representative of the United States appointed to give an examination to these people and to give them a sort of passport for immigration, because that would free the masters of vessels and we should be responsible for the character of the immigration ourselves rather. I am sure there is not a common carrier who would not be glad to have that done, and I am sure it would be a fair thing. But, as it is now, there is liable to be very great injustice under this section in asking the masters of vessels to perform that which is almost impossible.

Mr. ALLEN. The question arose as to the right of a defendant in a Federal court charged with crime to testify in his own behalf. I will send this statute to the desk and ask that the section be read.

The Secretary read as follows:

Be it enacted, etc., That in the trial of all indictments, informations, complaints, and other proceedings against persons charged with the commission of crimes, offenses, and misdemeanors, in the United States courts, Territorial courts, and courts-martial, and courts of inquiry, in any State or Territory, including the District of Columbia, the person so charged shall, at his own request, but not otherwise, be a competent witness.

And his failure to make such request shall not create any presumption against him.

Approved March 16, 1878.

The VICE-PRESIDENT. The question is on the amendment of the Senator from New York [Mr. EVARTS].

Mr. INGALLS. Let the amendment be again reported.

The SECRETARY. In section 3 it is proposed to strike out lines 16 and 17, as follows:

The fact of such bringing or landing shall be *prima facie* evidence of such knowledge.

Mr. BLAIR. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. HOAR. If this section is to be retained at all and this law is to be retained at all, I think the amendment proposed by the Senator from New York should not prevail. The penalty which is proposed is a penalty on the master of a vessel for willfully, which is now the phrase, bringing into this country persons who have made certain contracts. If that is a reasonable provision, as I suppose the Senate think it is, it can not be enforced except by the method proposed; that is, that the ship-master who brings them in shall be *prima facie* held to know the character of the persons he brings in. That does not work any injustice on him or anybody, because, as the Senator from Washington [Mr. ALLEN] has shown, he has been made by the statute a competent witness. So the substance of this thing is that the master shall be held responsible at the discretion of the court in proportion to the character of the offense, that he shall be held responsible unless he comes into the United States court and makes oath that he did not know anything about it and satisfies the court on cross-examination, so that it seems to me that the amendment of the Senator from New York ought not to be adopted.

The VICE-PRESIDENT. The question is on the amendment of the Senator from New York, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. HARRIS (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL].

Mr. PADDOCK (when his name was called). I am paired with the Senator from Louisiana [Mr. EUSTIS].

Mr. PUGH (when his name was called). I am paired with the senior Senator from Vermont [Mr. EDMUNDS].

Mr. WOLCOTT (when Mr. TELLER's name was called). My colleague [Mr. TELLER] is necessarily absent from the Chamber. He is paired with the Senator from Arkansas [Mr. BERRY]. I desire to give that notice for the day.

The roll-call was concluded.

Mr. HARRIS. I ask the junior Senator from Nebraska [Mr. PAD-

DOCK], if it will be agreeable to him, that he and I transfer our pairs and vote.

Mr. PADDOCK. That will be agreeable to me.

Mr. HARRIS. Then I vote "yea."

Mr. PADDOCK. I vote "nay."

Mr. STOCKBRIDGE. I desire to announce the pair of my colleague [Mr. McMILLAN] with the Senator from North Carolina [Mr. VANCE]. I make the announcement for the day.

Mr. BLAIR. I am paired with the senior Senator from Mississippi [Mr. GEORGE], but I am confident if he were here he would vote in the negative, and I vote in the negative.

Mr. GIBSON. I am paired with the Senator from Minnesota [Mr. DAVIS], but as this is not a party question I will not withdraw my vote.

Mr. PUGH. I am at liberty to vote to make a quorum. I inquire if a quorum has voted?

The VICE-PRESIDENT. A quorum has voted.

The result was announced—yeas 35, nays 10; as follows:

YEAS—35.

Barbour,	Dixon,	Harris,	Reagan,
Bate,	Dolph,	Hawley,	Sawyer,
Blackburn,	Everts,	Ingalls,	Stockbridge,
Butler,	Bryce,	Manderson,	West,
Cameron,	Gibson,	Mitchell,	Voorhees,
Carlisle,	Gorman,	Morgan,	Walthall,
Casey,	Gray,	Pasco,	Wilson of Md.
Coke,	Hale,	Power,	Wolcott,
Colquitt,	Hampton,	Ransom,	

NAYS—10.

Allen,	Hoar,	Platt,	Wilson of Iowa,
Blair,	Paddock,	Spooner,	
Cockrell,	Pierce,	Stewart,	

ABSENT—39.

Aldrich,	Dawes,	Jones of Nevada,	Quay,
Allison,	Edmunds,	Kenna,	Sanders,
Berry,	Eustis,	McMillan,	Sherman,
Blodgett,	Farwell,	McPherson,	Squire,
Brown,	Faulkner,	Moody,	Stanford,
Call,	George,	Morrill,	Teller,
Chandler,	Hearst,	Payne,	Tarple,
Cullom,	Higgins,	Perdrew,	Vance,
Daniel,	Hiscock,	Plumb,	Washburn,
Davis,	Jones of Arkansas,	Pugh,	

So the amendment was agreed to.

The VICE-PRESIDENT. The hour for the consideration of bills on the Calendar has expired.

Mr. BLAIR. I ask that this bill go over without prejudice, as I do not care to press it further upon the attention of the Senate now.

Mr. HOAR. I should like to offer an amendment and to have it pending if the bill is to go over.

Mr. BLAIR. I have no objection to that, but I give notice that I will not call the bill up again this session.

Mr. HOAR. I desire to move after the word "act," in section 5, line 1, to insert "or the act to which this is an addition."

Mr. CARLISLE. I desire also to give notice of an amendment, in line 11, on page 5, section 5, to strike out the words "at present" and insert the words "at the time;" so as to read:

Nor shall this act be so construed as to prevent any person.

Mr. BLAIR. I have no objection to the amendment being offered.

Mr. CARLISLE. Instead of allowing them to import hereafter.

The VICE-PRESIDENT. The amendment of the Senator from Massachusetts will first be stated.

The CHIEF CLERK. In section 5, line 1, after the word "act," it is proposed to insert "or the act to which this is an addition."

Mr. HOAR. Perhaps the Senator from New Hampshire will accept that amendment.

Mr. BLAIR. I am indifferent as to what further amendments are made to the bill. I do not design to ask further attention to the subject upon the part of the Senate. I wish the bill may go over without prejudice, but it is useless to pass a law which is inferior in its efficiency and usefulness upon this subject-matter to that which now exists.

The VICE-PRESIDENT. The amendment offered by the Senator from Kentucky [Mr. CARLISLE] will now be stated.

The CHIEF CLERK. In section 5, line 11, after the word "at," it is proposed to strike out "present" and insert "the time;" so as to read: Upon any new industry not at the time established in the United States.

Mr. PIERCE. Did I understand the Senator from New Hampshire to give notice that he would not call the bill up again?

Mr. BLAIR. I shall not call the bill up again at the present session.

Mr. HAWLEY. I submit that the Senator ought not to take that course because he is dissatisfied with an amendment or two made here. That is to claim that the responsibility of defeating this bill, which he declares is a good bill and called for, lies upon some who, in the exercise of their best discretion, voted for two slight amendments. There has been no serious or vital amendment, in my judgment, made to this bill.

Mr. PIERCE. I desire to submit an amendment to come in on line 32, on page 6, in section 6, which I will send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The CHIEF CLERK. At the end of section 6, in line 32, after the word "vessel," it is proposed to add the following:

And the Secretary of the Treasury shall have the same power to remit fines and penalties incurred under this act, or which have been or may be incurred under the act of February 26, 1885, as he now has in the case of violations of the customs or revenue laws.

The VICE-PRESIDENT. The bill will go over, and the unfinished business taken up.

ORDER OF BUSINESS.

Mr. BLAIR. I should like to inquire if the unfinished business is before the Senate.

The VICE-PRESIDENT. The unfinished business is before the Senate.

Mr. BLAIR. I should like to inquire of the Senator in charge of the bill whether he has substantial reasons to expect an early decision or an early close of the debate and vote upon the bill. If not, I feel, notwithstanding any obligations or former arrangements which may have been made, that I shall be justified in submitting once again to the Senate the question of substituting the labor bill which I moved the other day in place of this private land court bill. I should like to make that inquiry.

Mr. RANSOM. I suppose I may be considered as partially in charge of the bill, as the chairman of the committee. It is impossible for me to determine whether we can have an early vote upon the bill. I must in candor say to the Senator from New Hampshire that my impression is that at this day's session of the Senate we shall not be able to succeed in having a prompt or early vote. I should resist the motion of the Senator from New Hampshire to the utmost if I thought it was possible or probable that the Senate could now give to this bill that deliberate consideration which in the judgment of the Senate it should have. The Senate has shown, I must say, very commendable patience with it, and I wish I could express the hope that we could get through with it to-day, but I do not feel at liberty to say that.

Mr. VOORHEES. Mr. President, we are within a short distance of the end of the Calendar and I notice on the Calendar a large number of pension bills coming from the House of Representatives, House bills that need our concurrence.

Mr. RANSOM. Will the Senator from Indiana hear me for one second?

Mr. VOORHEES. Yes.

Mr. RANSOM. I shall ask the Senator from New Hampshire to change his motion.

Mr. VOORHEES. I am going to make a motion, if the Senator will allow me.

Mr. PADDOCK. If the Senator from Indiana will allow me—

Mr. VOORHEES. I rose for the purpose of making a motion, but I will hear the Senator from Nebraska.

Mr. PADDOCK. If the Senator from Indiana will allow me, I will say that it has been the intention of the Committee on Pensions later in the day to ask the Senate to proceed to the consideration of the pension bills on the Calendar. The chairman of the committee is not present now, but will be here after a little while.

Mr. VOORHEES. I was sure the business would not be neglected, but I ventured in the absence of my colleague [Mr. TURPIE], who is an active member of the Pension Committee and looks after these things, to risk the suggestion that we spend half or three-quarters of an hour more on the Calendar and dispose of business, not merely pension business, but two or three other cases also. Three-quarters of an hour will dispose of the Calendar, and I move that the regular order be laid aside for the purpose of taking up the Calendar and disposing of what is on it.

Mr. PADDOCK. I am as anxious as the Senator from Indiana is to have these bills passed, but, as I said to him a moment ago, the chairman of the committee is not present for the moment; he will be here after a little while, and the intention of the committee is to take them up later.

Mr. VOORHEES. They are House bills that have been reported from the Committee on Pensions, and I was taking it for granted that they needed no explanation. They have been reported here; they have been examined by the Pension Committee of this body and reported, and are on the Calendar. I think it would be very safe to go on and consider them.

The VICE-PRESIDENT. The question is on the motion made by the Senator from Indiana.

Mr. FRYE. I wish the Senator to yield to me for one moment—

Mr. VOORHEES. Certainly.

Mr. FRYE. And allow me to make a motion touching the bill that is before the Senate.

Mr. VOORHEES. I withdraw my motion for the present.

UNITED STATES LAND COURT.

Mr. FRYE. I do not understand that any conference of Republicans has determined that a bill shall be disposed of, but that it shall be taken up for consideration; and I do not see the slightest prospect of disposing of this land court bill. Therefore I move that the further consideration of the bill (S. 1042) to establish a United States land court and to provide for the settlement of private land claims in

certain States and Territories be postponed until the next session of Congress.

Mr. RANSOM. I hope the Senator will allow me to amend the motion by saying the second Tuesday in December, so as to bring it up for consideration as early in the next session as possible.

Mr. FRYE. No; I do not accept that amendment. I object to making it a special order. I move to postpone the further consideration of the bill until the next session of Congress.

Mr. HOAR. Why not recommit it?

Mr. WOLCOTT. There are a number of amendments to be proposed to this bill, some of which will require a good deal of discussion. Some of us who are very much interested in making a good bill out of it, thinking this is not the bill to apply to the lands in question, are anxious to take it up in committee and thereby save the time of the Senate, and I hope the Senator will so amend his motion as to recommit the bill to the committee. In that way we can save the time of the Senate.

Mr. FRYE. I would just as lief make a motion to recommit the bill to the committee.

Mr. RANSOM. A motion to recommit would lead to a long debate.

Mr. HOAR. Why not consent to that? It is a better course for the Senate to pursue.

Mr. RANSOM. I do not think, in justice to the committee, that I could consent to that motion.

Mr. HOAR. If the Senator will allow me, I have expected to vote for his bill and I suggest to him that there are some exceedingly delicate and difficult questions, constitutional and other, which have been started in this debate, and started by the Senator from Colorado [Mr. WOLCOTT], who is, I believe, upon the committee; another by the Senator from New York [Mr. EVARTS], who has stated fully to the Senate a very formidable objection. Now, if the bill goes back to the committee and comes back with their judgment upon these matters which have been proposed, it will have ten times the strength, the opportunity for consideration, at the next session that it will have on a mere motion to postpone, when the committee will have passed on all these things. If it comes up in the Senate at the next session with two members of the Committee on Public Land Claims desiring a recommitment the recommitment will be moved then, and it will be very sure to pass then, in my judgment. I hope the Senator from North Carolina will see that it is the interest of the strength of his bill to let it be recommitment. He can get it back within three days of the assembling of the Senate next winter.

Mr. INGALLS. Mr. President, I happen to be a member of the Private Land Claims Committee, although my duties during the greater part of the session were such that I was unable to attend its meetings, and I did not therefore participate in the consideration after which this bill was reported to the Senate. I am ingenuous enough to say that there are several provisions in the bill that would not have been approved by me if I had had the opportunity of their consideration in the committee. I believe that the subject is one of transcendent importance to many of the States in the West, and that the bill deals with a question that has been too long neglected, to the reproach and the dishonor of the nation. I am friendly to the general scheme, and I should regret to have the motion of the Senator from Maine prevail for one or two reasons. In the first place, it would seem to be an unfriendly motion, and, in the next place, it is certainly a superfluous motion, because if the bill is left alone it will go over anyway without any action of the Senate, and remain on the Calendar.

The suggestions which have been made by the Senator from Colorado and the Senator from New York are of vital consequence. They are entitled to consideration; and I therefore venture to suggest with diffidence to the chairman of the committee, to whom I wish to defer, that in my judgment much would be gained by permitting the bill to be committed, in order that it might have further consideration, in view of what has been developed during the debate, and I am confident that it can be reported at an early day after Congress meets in December.

Mr. REAGAN. Mr. President, I am satisfied that it will be impossible at this session to give the bill and the amendments the consideration which the importance of the subject-matter deserves. It is certainly a subject that can not be too early attended to by Congress. I want to say that I have three amendments which I propose to offer to the bill, which are, I think, somewhat important in their character. One of them is to allow private parties to intervene in these cases where their interests are involved. Another is to protect persons who have settled on the public lands without any notice, actual or constructive, of the existence of outstanding titles. Another one is to enlarge a provision in the sixteenth section of the bill, which I will enumerate now.

These amendments which I propose to offer look to a line that does not seem to have been very much discussed in connection with this bill. It would seem from the discussion that the great point aimed at is simply to give an opportunity to the holders of large grants to establish their rights or have them rejected. In this connection, if we limit our action to that extent, we are in danger of doing a great and fatal injury to a very large number of people. The bill, it seems to me, ought to embrace provisions which will protect innocent pur-

chasers and settlers in good faith without actual or constructive notice of the existence of an outstanding title. It is to that end that I propose when the bill comes to be acted upon to offer these amendments.

I will add that if the motion to recommit, with the privilege of reporting at any time at the pleasure of the committee, is made, I should think it would be well that it might be adopted, and I should regret to see the bill placed at a disadvantage on the Calendar.

Mr. HOAR. I suggest that the committee have authority to sit during the recess if they desire to do so.

Mr. STEWART. Mr. President, I recognize the embarrassment that exists in arriving at a satisfactory conclusion on this bill from the division of the committee, and I suggest to the chairman that he had better consent to have it referred back to the committee with an express understanding that the members of the committee are to attend at all times until this matter is disposed of, and at an early day in the next session, so that we can have the concurrence or dissent of every member of the committee and have the benefit of the views of all the members.

I am satisfied that the committee being divided there will be a long discussion if we attempt to conclude it now, and if we should pass the bill it would be unsatisfactory. It is a kind of discussion that can better take place in committee, where the interchange of views can be free, than in the Senate.

I therefore suggest to the chairman that I believe we shall advance this bill more rapidly by letting it go to the committee, with the request that any Senator having amendments shall prepare them and have them printed and referred to the committee, so that we can have the whole subject under consideration at an early day, and report it back in the first week of the next session.

It has been before the Senate sufficiently now that no one will object at the proper time to giving it consideration. The Senate will be willing to consider it after the committee can agree upon the bill. There will be no difficulty in getting an early consideration. It has not passed the other House and it will be more likely to get through this Congress after such consideration and on the unanimous report of the committee. If the committee can come to an agreement, it will be much more likely to pass the other House during this Congress than if we go on and leave it with a divided committee and involve a long discussion at the commencement of the next session.

I hope the chairman will consent to a recommitment of the bill.

Mr. SPOONER. Mr. President, I voted the other day against the motion of the Senator from New Hampshire to displace this bill, upon the ground that it was upon the schedule of measures practically agreed upon by both sides of the Chamber, and was reached in its order. I agree entirely with the Senator from Maine that the schedule fixed by that conference did not involve that this bill should be for the remainder of the session pressed upon the consideration of the Senate. I shall vote to remove it from the consideration of the Senate, either by voting for the motion submitted by the Senator from Maine to postpone it until the next session, or by voting for a motion to recommit. I hope the Senator from Maine will modify his motion so that it will be a motion to recommit the bill to the committee.

I want to say, Mr. President, and I know every Senator here will agree with me, that the Senator from North Carolina [Mr. RANSOM], who was unexpectedly perhappened upon by reason of the illness of the Senator from Vermont [Mr. EDMUNDS] to take a larger part in pressing this measure and in defending it than he had expected, has with great ability and pertinacity defended it and urged it upon the consideration of this body; but no one will dispute the proposition that it is a bill involving interests of great magnitude and of great complexity. Many suggestions have been made of amendments to it and of objection to it which are entitled to great weight, not only because of the source from which they come, but because of the palpable necessity for amendment to cover the objections which have been made.

It is absolutely impossible, I submit to the Senator from North Carolina, on a bill of this character, involving so great rights, involving complicated amendments which are to be proposed by the Senator from Texas [Mr. REAGAN] to protect beyond any question the rights of innocent purchasers and small holders, that we can in the last hours of the session perfect this legislation. It is not fair to the Senate, it is not fair to other measures which are pending before the Senate, that our attention should be given further to this measure. It has never passed the House of Representatives. It is absolutely impossible, if we should pass it, that it can become a law at this session of Congress.

Several members of the committee have expressed their dissent from it. It is not a unanimous report of the committee, and it ought, it seems to me, to go back to the committee, not only in justice to the committee and in order that it may further consider it and the amendments which have been and are to be proposed to it and the objections which have been urged against it, but it is due to the Senate, in order that when this matter comes before us again it shall come carefully matured and in a form obviously better adapted to secure the great purposes intended by it than it is now. The Senator from North Carolina has done everything that it is possible for him to do, and I hope he will consent under the circumstances to a motion to recommit the bill

to his committee, especially as it is requested by at least two of its members.

Mr. FRYE. Mr. President, I made the motion to postpone rather than to recommit for the reason that I did not wish to appear in the slightest degree to show any disrespect to the committee nor that any should be implied in my motion, and especially to the chairman of the committee, who has so ably managed this matter before the Senate. So far as I am concerned, I should prefer and believe it better, that the bill should be recommitted; and therefore I move, instead of the motion to postpone, that the bill be recommitted to the Committee on Private Land Claims with authority, if they wish, to sit during the recess.

Mr. RANSOM. Mr. President, it would not be right for me after what has been said on the floor of the Senate to resist for a moment longer the recommitment of this bill. Three members of the committee have advised it, and they are no doubt as conscientious and as sincere and as wise in it as I can be in the opposite course. Other Senators who are friendly to the bill have advised me to agree to it. Gentlemen who are as well acquainted with the matter as I am have advised me to it, and I will not resist the motion of the Senator from Maine. I will make this request, though, that all Senators who have prepared amendments will have them printed and let them go before the committee.

Mr. REAGAN. I want to offer an amendment.

Mr. RANSOM. I also ask permission of the Senate, upon the suggestion of the Senator from Massachusetts [Mr. HOAR], that the committee may sit in the vacation, if they desire.

Mr. FRYE. Certainly.

The VICE-PRESIDENT. All proposed amendments will be printed.

Mr. REAGAN. I ask that my amendment be read and printed.

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. On page 12, amend by adding at the end of section 8:

And on the trial of any cause under the provisions of this act, any private citizen or citizens, or corporation, having a title or claim adverse to that of the plaintiff, may intervene in the case and have his title or claim adjudicated and determined according to its merits.

The VICE-PRESIDENT. The question is on the motion submitted by the Senator from Maine [Mr. FAYE] that the bill be recommitted to the Committee on Private Land Claims.

The motion was agreed to.

The VICE-PRESIDENT. The Chair should have stated in submitting the motion that he understands the Senator from Maine accepted the suggestion made by the Senator from North Carolina that the committee should be authorized to sit during the recess.

Mr. FRYE. The Senator from Maine did add it to his motion.

The VICE-PRESIDENT. That was the understanding of the Chair. It is so ordered.

HOUSE BILLS REFERRED.

The bill (H. R. 17) to remove the charge of desertion from the record of Michael Meskeil was read twice by its title, and referred to the Committee on Naval Affairs.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 2375) to correct the military record of Lieut. Cornelius McLean;

A bill (H. R. 11344) to correct the military record of Abram F. Springsteen; and

A bill (H. R. 11916) for the relief of Owen T. Gale, alias Thomas Mott, late of Company E, Eighty-first Regiment New York Volunteers.

The bill (H. R. 7110) for the relief of Charles S. Blood, etc., was read twice by its title, and referred to the Committee on Claims.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 3174) granting a pension to Mrs. Frederika B. Jones;

A bill (H. R. 4238) pensioning Maria T. Lee;

A bill (H. R. 5583) for the relief of Charles Duerson;

A bill (H. R. 5717) for the relief of Margaret Constable;

A bill (H. R. 6048) granting a pension to Mary Robinson;

A bill (H. R. 6196) granting an increase of pension to Matthew C. Griswold;

A bill (H. R. 6809) granting a pension to Nancy M. Gross;

A bill (H. R. 7107) to grant a pension to W. B. Cloer, late private in Company L, D. Storm's Arkansas militia;

A bill (H. R. 8508) granting a pension to Ann Carr, of Vevay, Ind.;

A bill (H. R. 8925) granting a pension to Nathaniel G. Brown;

A bill (H. R. 9132) granting a pension to Lydia Hood;

A bill (H. R. 11027) granting a pension to Benjamin Scram; and

A bill (H. R. 11534) to pension Mrs. Letitia Staenglen.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the

26th instant approved and signed the following acts and joint resolution:

An act (S. 134) for the relief of Rear-Admiral Carter;
 An act (S. 353) granting a pension to Mrs. A. J. Horton;
 An act (S. 639) granting a pension to Thomas Redmond, late private Company K, Fourth United States Infantry;
 An act (S. 759) granting a pension to Thomas H. Hopkins;
 An act (S. 794) granting a pension to Margaret Myers;
 An act (S. 814) granting a pension to Clara Fowler;
 An act (S. 1149) granting a pension to Ann G. Blackington;
 An act (S. 1211) granting a pension to Levi B. Smith;
 An act (S. 1294) to increase the pension of James Coey;
 An act (S. 1298) granting a pension to Ann Platt;
 An act (S. 1308) granting a pension to Adelaide E. Spurgeon, army nurse;

An act (S. 1521) granting a pension to David Drumheller;
 An act (S. 1541) granting a pension to Mary White;
 An act (S. 1602) granting a pension to Wells C. Harrell;
 An act (S. 1608) granting a pension to Sallie E. Rickards;
 An act (S. 1673) granting a pension to Lewis M. Sholl;
 An act (S. 1733) granting a pension to Laura James;
 An act (S. 1932) granting a pension to Rebecca McDonald;
 An act (S. 1973) granting a pension to Mary A. Hooke;
 An act (S. 1975) granting a pension to Amanda Watson Bowler;
 An act (S. 2184) granting a pension to Sarah L. Knight;
 An act (S. 2240) granting a pension to Ruth W. Keene Hodgman;
 An act (S. 2266) granting a pension to Mary A. Newcomb;
 An act (S. 2370) for the relief of Philip T. Greeley;
 An act (S. 2423) granting a pension to Carrie M. Miller;
 An act (S. 2438) placing the name of Lena Neuninger on the pension-roll;

An act (S. 2392) creating an additional land office in the State of North Dakota;

An act (S. 2719) granting an increase of pension to Henry Sprague;
 An act (S. 2720) granting a pension to Mrs. Elizabeth A. Baker;
 An act (S. 2736) granting a pension to Jonathan D. Hale;
 An act (S. 2753) granting a pension to Polly McArthur;
 An act (S. 2892) increasing the pension of Smith J. Shafer;
 An act (S. 2972) granting a pension to Susan C. White;
 An act (S. 3005) for increase of pension to Mrs. Sarah R. Bleeker;
 An act (S. 3145) granting a pension to Samuel Miller;
 An act (S. 3153) granting an increase of pension to Mrs. Ellen W. Thornton, widow of the late Capt. James S. Thornton, United States Navy;

An act (S. 3325) for the relief of Margaret F. Smith;
 An act (S. 3366) granting a pension to Sarah A. Alexander;
 An act (S. 3450) granting a pension to Mrs. Elizabeth Stewart;
 An act (S. 3549) increasing the pension of Mrs. Caroline Hanneman;
 An act (S. 3556) granting the right of way to the Hutchinson and Southern Railroad Company to construct and operate a railroad, telegraph, and telephone line from the city of Anthony, in the State of Kansas, through the Indian Territory, to some point in the county of Grayson, in the State of Texas;

An act (S. 3596) granting to the Rio Grande Southern Railroad Company the right of way through the Fort Lewis military reservation, in La Plata County, in the State of Colorado;

An act (S. 3635) granting a pension to George Blum;
 An act (S. 3874) granting a pension to Harriet E. Donaldson; and
 Joint resolution (S. R. 51) to authorize the President to appoint an additional ensign in the United States Navy.

The message also announced that the President had on this day approved and signed the following act and joint resolution:

An act (S. 1689) for the relief of George M. Wheeler; and
 Joint resolution (S. R. 129) to correct an error in the act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1891, and for other purposes," approved August 30, 1890.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 1066) to remove the charge of desertion and grant an honorable discharge to William W. Carter;

A bill (H. R. 1367) to remove charge of desertion against William J. Kline;

A bill (H. R. 1676) increasing the pension of Elisa B. Dorrance, widow of the late George W. Dorrance, chaplain United States Navy;

A bill (H. R. 1863) granting a pension to John Yost;

A bill (H. R. 1864) to place the name of Robert C. Kerr on the pension-roll;

A bill (H. R. 1890) to pension Winemah Riddell;

A bill (H. R. 2417) granting a pension to Jeremiah M. Sidwell;

A bill (H. R. 2434) granting a pension to Franc E. Babbitt;

A bill (H. R. 2537) to increase the pension of James A. Underwood;

A bill (H. R. 2542) pensioning Joseph A. Blair;

A bill (H. R. 2593) to correct the military record of Hosea Stone;
 A bill (H. R. 3080) granting a pension to George S. Howard;
 A bill (H. R. 3376) granting a pension to Catharine McManus;
 A bill (H. R. 3501) removing the charge of desertion against Jonathan C. Huffman;

A bill (H. R. 3520) granting a pension to D. G. Scooten;
 A bill (H. R. 3766) granting a pension to Joseph Dascomb;
 A bill (H. R. 4184) to amend the military record of William M. Porter, alias William S. Mackay;

A bill (H. R. 4236) pensioning John George;
 A bill (H. R. 4250) granting a pension to Joseph S. Henderson;

A bill (H. R. 4254) granting a pension to John Lindt;
 A bill (H. R. 4426) for the relief of Charles Fletcher, alias James H. Mitchell;

A bill (H. R. 4707) granting a pension to Aphia M. Brown;
 A bill (H. R. 4722) granting a pension to Solomon R. Ruch;

A bill (H. R. 4728) for the relief of Henry W. Burlingame;
 A bill (H. R. 4870) to relieve Charles H. Vandervoort of the charge of desertion;

A bill (H. R. 4878) pensioning Richard Christy;
 A bill (H. R. 4894) increasing the pension of Catherine Doyle;

A bill (H. R. 5063) for the relief of Charles W. Lambert;
 A bill (H. R. 5133) for the relief of J. D. Golden;

A bill (H. R. 5213) granting a pension to Frederick Hart;
 A bill (H. R. 5517) granting a pension to Mrs. Susan Young;

A bill (H. R. 5537) for the relief of Warren Stamp;
 A bill (H. R. 5685) for the relief of Augustus D. Hubbell;

A bill (H. R. 5687) for the relief of Uriah J. O'Neil;
 A bill (H. R. 5896) granting a pension to James A. Mitchell;

A bill (H. R. 6217) granting a pension to Abbie A. Colson;
 A bill (H. R. 6297) granting a pension to Mrs. Bridget Handerrhine, widow of Daniel Handerrhine;

A bill (H. R. 6356) for the relief of Martha A. Foster;
 A bill (H. R. 6359) for the relief of Mrs. Charity P. Harrison;

A bill (H. R. 6392) granting a pension to Jane Boswell Moore Bristor;
 A bill (H. R. 6635) for the relief of George R. Wright;

A bill (H. R. 6663) for the relief of James S. Smith;
 A bill (H. R. 6800) granting a pension to Anne Mattocks;

A bill (H. R. 6908) to amend the record of Fayette Adams, Company I, Thirty-seventh Illinois;

A bill (H. R. 7125) granting a pension to Charles W. Whitney;
 A bill (H. R. 7251) granting a pension to Christian Pape;

A bill (H. R. 7267) to remove the charge of desertion from the service record of Charles L. Bullis;

A bill (H. R. 7786) granting a pension to Mrs. Rachel Wright;
 A bill (H. R. 7879) granting a pension to Emily P. Collins;

A bill (H. R. 7928) granting a pension to Jesse G. Hamilton;
 A bill (H. R. 8067) to correct the military record of John Ragan;

A bill (H. R. 8119) to grant a pension to Margaret Hawkins;
 A bill (H. R. 8124) granting a pension to George Everts;

A bill (H. R. 8303) granting a pension to Malinda Lemmon;
 A bill (H. R. 8445) granting a pension to Solomon Smith;

A bill (H. R. 8600) increasing the pension of William T. Rhodes;
 A bill (H. R. 8605) to amend the military record of James P. Kirby;

A bill (H. R. 8779) granting a pension to Mary A. Irvin, widow;
 A bill (H. R. 8856) for the relief of James A. Hull;

A bill (H. R. 9019) granting a pension to Emma Fulton;
 A bill (H. R. 9370) to remove the charge of desertion from the record of James Morrison, alias James C. Mackintosh;

A bill (H. R. 9400) granting a pension to Bazel Lemley;
 A bill (H. R. 9423) for the relief of Charles Ewing;

A bill (H. R. 9431) granting a pension to Jane Fee;
 A bill (H. R. 9496) for the relief of Martha D. Gunnison;

A bill (H. R. 9506) for the relief of Caroline A. Fairfax;
 A bill (H. R. 9545) granting a pension to Washington Grignaby;

A bill (H. R. 9531) to restore the pension of Susan Nelson Page;
 A bill (H. R. 9564) for the relief of Ellen J. Wharton;

A bill (H. R. 9583) pensioning Belinda Jane Phillips;
 A bill (H. R. 9595) for the relief of William L. Hurst, of Wolfe County, Kentucky;

A bill (H. R. 9615) for the relief of Israel R. Pierce;
 A bill (H. R. 9767) granting an increase of pension to John S. Ferguson;

A bill (H. R. 9772) for the relief of Margaret Malloy;
 A bill (H. R. 9877) directing the Secretary of War to issue an honorable discharge to Almond C. Walters;

A bill (H. R. 10054) granting a pension to Mrs. Margaret D. Marchand;

A bill (H. R. 10106) granting an increase of pension to Christian Schaub;

A bill (H. R. 10166) for the relief of William J. Terney;

A bill (H. R. 10294) granting a pension to Matilda M. Harriman;

A bill (H. R. 10418) to increase the pension of Thomas A. Rowley, late brigadier-general United States volunteers;

A bill (H. R. 10742) granting a pension to Josephine S. Hansel (late Wilson);

A bill (H. R. 10064) granting a pension to Amanda E. Parkis;
 A bill (H. R. 11173) to increase the pension of Elias D. Thompson;
 A bill (H. R. 11243) granting a pension to Sarah H. Philp;
 A bill (H. R. 11257) granting a pension to Elizabeth M. Ayars, formerly Elizabeth M. Sutton;
 A bill (H. R. 11421) granting a pension to Elizabeth Dodge;
 A bill (H. R. 11575) granting a pension to Sylvanus B. Dorsett;
 A bill (H. R. 11587) for the relief of Duncan D. Cameron, late first lieutenant Ninth United States Colored Troops;
 A bill (H. R. 11604) granting a pension to Orrin Day;
 A bill (H. R. 11635) to pension Mrs. Margaret Walker;
 A bill (H. R. 11640) granting a pension to Mary B. Cook;
 A bill (H. R. 11641) granting a pension to Anna S. Shuman;
 A bill (H. R. 11937) to pension Mary Jane Martin;
 A bill (H. R. 11996) for the removal of the charge of desertion from the record of John Cassidy;
 A bill (H. R. 12012) to grant a pension to Hannah B. Shepherd; and
 A bill (H. R. 12013) to pension John D. Bagby.

ILLINOIS RIVER APPROPRIATION.

Mr. CULLOM and Mr. BLAIR addressed the Chair.

Mr. CULLOM. I wish to call up a joint resolution from the other House.

Mr. BLAIR. I desired the floor to move, under the caucus arrangement, the consideration of the bill which is next in order.

Mr. CULLOM. Will the Senator allow me to make a statement? There was a mistake in the river and harbor bill leaving out nearly all of one item of appropriation. There is a joint resolution which has passed the House of Representatives correcting the error, and I desire that the Senate shall simply concur in it. It is a mistake in the appropriation for the Illinois River. The original appropriation was \$200,000, and in enrolling the bill in the House of Representatives it was enrolled as \$2,000.

Mr. BLAIR. It will not lead to debate?

Mr. CULLOM. None at all.

Mr. BLAIR. I do not object if it takes no time.

The VICE-PRESIDENT. The Chair will lay before the Senate the joint resolution from the House of Representatives.

The joint resolution (H. Res. 231) to correct an error in the act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved September 19, 1890, was read the first time by its title, and the second time at length, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved September 19, 1890, be, and the same is hereby amended so that the clause making appropriation for the improvement of Illinois River, Illinois, shall read: "Improving Illinois River, Illinois: Continuing improvement, \$200,000."

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. FRYE. I simply desire to state in relation to this joint resolution that that item was properly engrossed in the Senate; that it passed the Senate in proper form, and appears in the print ordered by the Senate after the passage of the bill; and that it is entirely clear that the mistake was made in the enrolling of the bill in the other House, as it was not an item that was in conference at all.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FORT ELLIS MILITARY RESERVATION.

Mr. PLUMB. There is on the table House bill 8049 which was amended in the Senate and passed as amended, and after it had been sent to the House of Representatives was recalled by the order of the Senate so that it might be amended. I ask unanimous consent that the votes by which the bill was passed and by which it was ordered to a third reading may be reconsidered in order that I may move an amendment which is acceptable to the friends of the bill, and in accordance with the original action of the Committee on Public Lands.

The VICE-PRESIDENT. The Senator from Kansas moves to reconsider the votes by which the Senate passed and ordered to a third reading the bill (H. R. 8049) to provide for the disposal of the abandoned Fort Ellis military reservation in Montana under the homestead law, and for other purposes.

The motion to reconsider was agreed to.

The VICE-PRESIDENT. The bill is before the Senate.

Mr. PLUMB. In line 4 of section 3, after the word "section," I move to insert the words "in square form and according to legal subdivisions."

Mr. COCKRELL. What is that bill?

The VICE-PRESIDENT. The amendment will be stated.

Mr. PLUMB. I am just moving to amend, in section 3 of the Fort Ellis military reservation bill, that in sections to be made by the State of Montana the tract selected shall be in square form and according to legal subdivisions. That is in accordance with the original bill as reported from the Committee on Public Lands, but it was left out by mistake.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. PLUMB. I move that the Senate insist on its amendment and ask for a conference with the House concerning the same.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. PLUMB, Mr. PADDOCK, and Mr. PASCO were appointed.

DISTRICT TRUSTS AND LOAN CORPORATIONS.

Mr. BLAIR. Mr. President—

Mr. SPOONER. Will the Senator yield to me a moment?

Mr. BLAIR. What does the Senator desire?

Mr. SPOONER. I desire to call up a bill which passed the Senate some days ago and has passed the other House with two or three amendments, for the purpose of asking concurrence.

Mr. BLAIR. If it does not lead to debate, I shall yield.

Mr. SPOONER. I do not think it will elicit any discussion. I ask the Chair to lay before the Senate the amendments of the House of Representatives to Senate bill 4081.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 4081) to provide for the incorporation of trust, loan, mortgage, and certain other corporations within the District of Columbia; which were read, as follows:

On page 1, line 5, after the word "persons," insert "citizens of the United States."

On page 1, line 7, after the word "on," insert "in the District of Columbia."

On page 6, line 24, after the word "kind," insert:

"That any corporation formed under the provisions of this act, when acting as trustee, shall be liable to account for the amounts actually earned by the moneys held by it in trust, in addition to the principal so held; but such corporation may be allowed a reasonable compensation for services performed in the care of the trust estate."

On page 8, line 6, after the word "company," insert the words "surety or guaranty company."

On page 16, line 17, after the word "union," insert "and having its principal place of business within the District of Columbia."

On page 16, line 23, after the word "court," insert:

"This section shall not take effect till six months after the approval of this act."

On page 16, line 27, after the word "incurred," insert:

"Provided, That the courts of the District of Columbia shall not have power to appoint any trustee, trustees, guardians, receivers, or other trustees of a fund or property located outside of the District of Columbia, or belonging to a corporation or person having a legal residence or location outside of said District."

Mr. SPOONER. I move that the Senate concur in the amendments made to the bill by the House of Representatives.

Mr. INGALLS. This bill came from the Committee on the District of Columbia. I have had no opportunity of examining the amendments yet and I prefer that they should not be concurred in until they have been examined. I should like to have an opportunity of looking at them.

Mr. SPOONER. Of course, in view of that statement by the chairman of the committee, I shall not press the motion.

Mr. INGALLS. I have not been consulted about the matter and did not know the message had been brought from the other House. Before the amendments are concurred in, I think they should be examined.

Mr. SPOONER. Does the Senator desire that they be referred to the committee?

Mr. INGALLS. No; let them lie on the table for the present.

Mr. SPOONER. I feel constrained to withdraw the request for immediate action upon the amendments, in view of the suggestion of the chairman of the committee.

The VICE-PRESIDENT. The amendments will lie on the table.

Mr. SPOONER. I will say to the Senator from Kansas that all the amendments are restrictive.

NATIONAL MILITARY CEMETERY NEAR ALEXANDRIA, VA.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives non-concurring in the amendments of the Senate to the bill (H. R. 7066) making an appropriation to construct a road and approaches from the city of Alexandria, Va., to the national military cemetery near that city, and asking a conference with the Senate thereon.

Mr. WALTHALL. I move that the Senate insist on its amendments and agree to the conference asked for by the House of Representatives.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. HAWLEY, Mr. MANDESON, and Mr. WALTHALL were appointed.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President:

A bill (S. 4) authorizing the establishing of a public park in the District of Columbia;

A bill (H. R. 573) for the establishing of a light-station and fog-signal in the vicinity of Braddock's Point, Lake Ontario, New York;

A bill (H. R. 1268) to perfect the military record of James T. Hughes;

A bill (H. R. 1358) to remove the charge of desertion against John Milroy, and authorizing his honorable discharge;

A bill (H. R. 2106) to remove the charge of desertion against Daniel W. Selleck;

A bill (H. R. 4367) for the relief of D. H. Mitchell;

A bill (H. R. 8210) granting an increase of pension to Maria L. Caraher;

A bill (H. R. 8394) to amend chapter 67, volume 23, of the Statutes at Large of the United States;

A bill (H. R. 8713) granting a pension to Rhoda Buck;

A bill (H. R. 10083) for the relief of George Murray;

A bill (H. R. 11773) granting an increase of pension to Mrs. Mary B. Cushing; and

Joint resolution (H. Res. 152) providing for the printing of eulogies delivered in Congress upon the late James Laird.

ADJUSTMENT OF ACCOUNTS UNDER EIGHT-HOUR LAW.

Mr. BLAIR. I move that the Senate proceed to the consideration of the bill (H. R. 11120) providing for the adjustment of accounts of laborers, workmen, and mechanics arising under the eight-hour law.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Education and Labor with an amendment, in section 2, line 46, after the word "attorney," to strike out the following additional proviso:

Provided further, That this act shall not be operative whenever the court shall find that such laborer, workman, or mechanic performed such labor or service under any contract, express or implied, and has been paid therefor the amount agreed upon.

Mr. BLAIR. I desire to move to strike out all after the enacting clause and to insert the bill which the Senate has, at a former session, passed on the same subject. After consultation and agreement with both sides of the Chamber, I move to strike out all after the enacting clause and insert.

The VICE-PRESIDENT. The amendment of the committee will be considered as agreed to, if there be no objection.

Mr. COCKRELL. What is the amendment of the committee?

The VICE-PRESIDENT. The amendment will be stated.

Mr. BLAIR. I do not ask that that amendment be acted upon.

The VICE-PRESIDENT. It is simply to perfect the text of the bill. The amendment will be stated.

The SECRETARY. In section 2, line 46, after the word "attorney," the committee report to strike out the additional proviso, in the following words:

Provided further, That this act shall not be operative whenever the court shall find that such laborer, workman, or mechanic performed such labor or service under any contract, express or implied, and has been paid therefor the amount agreed upon.

Mr. GORMAN. Mr. President—

Mr. BLAIR. Perhaps the Senator does not understand that I desire to move to strike out all after the enacting clause, whether the amendment is agreed to or rejected, and to insert the Senate bill we formerly passed.

Mr. GORMAN. I understand that; but before the question is taken on striking out the proviso I desire to say a few words on the proviso and its effect. I should like to ask the Senator from New Hampshire what the effect of the proviso is. The Senate Committee on Education and Labor report to strike out the proviso, I understand, in the bill as it came here, and which reads as follows:

Provided further, That this act shall not be operative whenever the court shall find that such laborer, workman, or mechanic performed such labor or service under any contract, express or implied, and has been paid therefor the amount agreed upon.

As I understand, after the passage of the original eight-hour law the mechanics in the navy-yards and in other Government employment were compelled, I think during the Administration of General Grant, to sign a contract to work ten hours a day at a fixed salary at that time, and their claim has been always that they were compelled to work those two additional hours without compensation.

Mr. BLAIR. The Senator is correct. A very large amount of this extra service has been rendered under contracts formal in their character, but which were entered into by the men under the compulsion of deprivation of employment unless they assented to work ten hours, contrary to the spirit of the law and in manifest evasion and practical nullification of the law.

This proviso, coming to us in the House bill, would deprive those men thus wronged of the just operation of the eight-hour law to compensation for those two extra hours of service rendered. If the bill is to pass that the other House sent us, the committee were of opinion that that which really is a nullification of the bill itself should be stricken out, but thought that it would be much better to substitute for the whole House bill, which is tentative and uncertain in other respects, what represented the matured judgment of the Senate upon both sides of the Chamber in the committee and in the Senate at a former session of Congress.

Mr. GORMAN. We shall get to that in a moment, but I understand the Senator to hold that, if this proviso is stricken out and we should finally adopt the House bill, then the claim of all that class of operatives, mechanics, and workmen who signed these contracts would come before the court and they could recover.

Mr. BLAIR. I do not undertake to say that; I understand the rest of the House bill very well. I do not know just what could or could not be done under it, just how far an unfavorable court could go even under the remainder of the House bill in affirming or denying practically the benefits of the eight-hour law in giving these people a remedy.

Mr. GORMAN. But I understand the chairman of the committee to say that as this bill came from the other House, with the proviso which has just been read, those persons are unquestionably excluded.

Mr. BLAIR. Under that concluding proviso I should so consider, and as a member of the committee favored its being struck out, for the reason that the proviso was a practical nullification of the pretended remedy to a very large proportion of those to whom we design to furnish a remedy.

Mr. GORMAN. That was my understanding of the bill, and I wanted to get the construction placed upon it by the chairman of the committee, that so far as that feature is concerned the bill as it comes here would be worse than useless to these men who have claimed always, and with great justice, that they were compelled to work two extra hours in violation of the law, or otherwise submit to removal from their positions.

I have nothing further to say about the provision, except that I hope it will be stricken out at all events, and then we shall hear the suggested substitute of the Senator from New Hampshire.

The PRESIDING OFFICER (Mr. DOLPH in the chair). The question is on agreeing to the amendment of the committee to strike out the proviso.

Mr. COCKRELL. I ask that it be read.

The PRESIDING OFFICER. The amendment will be again read. The Secretary read the amendment of the Committee on Education and Labor.

Mr. COCKRELL. Is that an amendment of the Senator from New Hampshire?

The PRESIDING OFFICER. It is the amendment of the committee.

Mr. COCKRELL. In other words, it is to declare that a contract shall not be binding. It is to declare that a laborer making a contract to work six hours a day, or eight hours, or ten hours, or any other given number of hours, or from sunrise until sundown, at a certain price, and who has received the price, can still come in and sue for an additional compensation for the same rate of wages for all the time and above eight hours.

Mr. BLAIR. Does the Senator ask me a question?

Mr. COCKRELL. I say that is your proposition, as I understand it. You propose to strike out this clause, and that would leave it in that condition.

Mr. BLAIR. The Government passed the eight-hour law for the benefit of those who were employed principally in its workshops of the Army and in the Navy and the Departments. These men were dependent upon that employment for their own livelihood and the support of their wives and children. The men they came in contact with as the executive officers of the Government demanded of them the ten hours' labor as a condition of being employed. They had to elect whether they would enter into this employment and work ten hours or be deprived of the means of livelihood.

Under that compulsion they were thus employed, most of them protesting at the time they performed this work, claiming then, claiming ever since, that they were under obligation under the law to work only eight hours for the same amount of compensation which they actually received for their ten hours a day's work, and they have been constant in their application to the Government for compensation for the extra two hours ever since.

An unfavorable court or perhaps a favorable court would be obliged to hold that there was no legal compulsion on the part of these men to enter into this arrangement to perform the ten hours' work. They could have gone abroad; they could have gone without the work; they could have taken their chances in the community at large, and possibly could have survived and possibly could not have survived. There was no legal compulsion that they should assent to the performance of ten hours' labor for the amount that the executive officer was willing to give, and it might be held that those were contracts, express contracts or implied contracts, yet attended by this hardship which was in addition to that a nullification and an evasion of the law on the part of the executive authorities.

It would not be wise, it seems to me, and certainly not just, to send these men to the Court of Claims subject to the defeat of their entire claim by its being found by the court that there was after all a contract in these cases, and it would be hardly worth while to send them at all, for a nominal contract would undoubtedly cover a very large proportion of the claims.

Mr. SPOONER. Mr. President, I voted for the Senate bill when it was at a former session before the Senate. One merit in the bill, to my mind, was that by it Congress adjudicated the question of liability and

left it to no court to determine upon technical grounds, such as the existence of a written contract, that there was no liability upon the part of the Government. Congress saw fit, I have always thought in the exercise of a wise policy, to fix, so far as it could, eight hours as a lawful day's work. It was done upon high grounds of public policy. It was thought that eight hours was long enough for a man to labor, as a rule, and that it was in the interest of society, in the interest of labor, and really in the interest of the Government, the employer, that after eight hours' labor the laborer should be free to think, free to study, free to invent, free to "become acquainted" with his family and to take the interest of a father in his children, and free to rest.

Under that law it has always seemed to me to have been utterly indefensible for any agent or officer of the Government to require of a laboring man who tendered his services or who sought for employment that as a condition of receiving it he should enter into a contract to work ten hours. No man who entered into such a contract can be said to have done it voluntarily, can be said to have acted without duress. Men with families to support, with sick wives perhaps to take care of, with children to educate, were not free to accept the proposition or to reject it. Clothing and shelter for their families, bread for the wife and little ones, medical attendance for those who required it, every impulse of affection, every obligation of duty of the husband and the father required that they should labor and put them under constraint, and the alternative that they must labor ten hours a day for the Government or be turned into the streets to seek employment or to beg was not an honest or fair alternative to tender to any laboring man after Congress had passed the eight-hour law.

It is my conviction, Mr. President, that in every case where one of these men was compelled by the officers of the Government as a condition of having employment and of being able to support his family to work one hour or one half-hour over the eight-hour day which Congress had declared for, and which President Grant had sought to enforce, he ought to be paid for that overtime. Not to do it seems to me to put the Government of the United States in an attitude of allowing its executive officers to violate in essence and in spirit the law which Congress had enacted upon the ground of public policy, and which public sentiment has approved, and attempting to filch from these men hours of unrequited toil.

I am altogether willing to take the responsibility of adjudicating the question of liability, sending these men to the Court of Claims for that tribunal only to ascertain and declare how many hours in each case these men worked beyond the lawful day. I shall vote with great pleasure for the substitute which I understand the Senator from New Hampshire will offer to this bill, which is the Senate bill as it passed this body at a previous session. In so doing I vote only for the payment of debts honestly due and too long left unpaid.

Mr. CULLOM. Mr. President, I only desire to say a word. The act of Congress under which these claims are made is as follows:

Eight hours shall constitute a day's work for all laborers, workmen, and mechanics who may be employed by or on behalf of the Government of the United States.

That was passed in 1868 and re-enacted, I believe, subsequent to that. Yet for some reason or other we have continually had these claims coming to Congress for extra work or for wages claimed by persons working for the Government over and above eight hours per day. It seems to me that there ought to be something done that would stop this continual appeal to Congress for services which seem to have been demanded of the employes of the Government contrary to law.

As has been stated by the Senator from Wisconsin, in 1869 when President Grant was President and this law had been enacted, he issued a proclamation that from and after that date no reduction should be made in the wages paid by the Government by the day to such laborers, workmen, and mechanics on account of such reduction in the hours of labor.

Mr. GORMAN. What is the date of that?

Mr. CULLOM. The proclamation was issued May 19, 1869, referring to the act of Congress, and an appropriation of money was made to pay for this extra work, and the President was making the effort apparently to secure the enforcement of the law by Government officers. But he did not seem to succeed in doing it fully, so that on May 11, 1872, President Grant issued another proclamation wherein attention was called to the above act of Congress and the Executive proclamation, and he stated that by reason of representations made to him—this is substantially the language of the proclamation—the act of Congress and the proclamation aforesaid had not been strictly observed by all the officers having charge of said laborers, workmen, and mechanics, and he proceeded to declare:

Now, therefore, I, Ulysses S. Grant, President of the United States, do hereby again call attention to the act of Congress aforesaid, and direct all officers of the Executive Departments of the Government having charge of the employment of laborers, workmen, and mechanics employed by or on behalf of the Government of the United States, to make no reduction in the wages paid by the Government by the day to such laborers, workmen, and mechanics on account of the reduction of the hours of labor.

Notwithstanding all the effort that appears to have been made by President Grant especially, it seems, from claims that come before Congress from time to time, that the act was practically disregarded, or at least

in a large degree, and I know myself since I have had the honor of a seat in the Senate employes of the Government have been worked two or three hours a day in some cases over and above the eight hours a day that the law fixed as a day's work.

All that I have to say is that it does seem to me that this law which has been so long upon the statute-book ought to be enforced, and if it is not enforced, certainly the men who are called upon to work more hours a day than a legal day's work ought to have some way of securing the pay for their extra labor. My own judgment is that the law ought to be lived up to by every Government officer to the very letter.

Mr. DAWES. Mr. President, I was in Congress when the bill establishing the eight-hour law was enacted. I recorded my vote in favor of it, and have watched its operations with great interest ever since. I do not think that anything is so much a reproach to this Government as the attempts and devices of its executive officers to avoid its own engagements in this regard. Congress promised all the employes of the Government that it would give them for their services an expressed sum, and I can not understand why the Government or its officials have felt justified in resorting to the devices they have to avoid that obligation incurred to those whom they employed.

But nevertheless in different Departments of the Government, in different places where the Government had need to employ men, for three or four years it was utterly disregarded until, as has been said by the Senator from Illinois, the President interfered with a proclamation commanding that the law of the land in this respect should be obeyed. Still the ingenuity of men who did not like this law was sufficient to find in some parts of the country means to evade it, when Congress took up the question and in an appropriation bill in 1872 directed that every employe of the Government should be paid for the hours he had worked at the rate of eight hours for each day's work, and appropriated a sufficient sum for that purpose. I should like to read the enactment which up to that date squared accounts between the Government and these employes. It is the second section of the deficiency appropriation act of 1872:

That the proper accounting officers be, and hereby are, authorized and required, in the settlement of all accounts for the services of laborers, workmen, and mechanics employed by or on behalf of the Government of the United States, between the 25th day of June, 1868, the date of the act constituting eight hours a day's work for all such laborers, workmen, and mechanics, and the 19th day of May, 1869, the date of the proclamation of the President concerning such pay, to settle and pay for the same, without reduction on account of reduction of hours of labor by said act, when it shall be made to appear that such was the sole cause of the reduction of wages, and a sufficient sum for said purpose is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Since then these devices have still continued, and up to to-day there are outstanding claims upon the Government of honest laborers and mechanics who have worked more than eight hours a day for the Government, that it should keep its promise and obligation. I am not quite satisfied with the form of its remedy. I shall vote for it because it is all that can be got, but what does it amount to? After all these years of accumulated unpaid wages of these laborers and mechanics, we come forward and all that we give them is the privilege of suing the Government and getting what they can. I introduced a bill in the last Congress and again in this, which I will read, which first set forth that the Government was liable to pay all these men at the rate of eight hours a day, and then directed the accounting officers of the Treasury to pay them. The bill is in the following words:

That whoever, as a laborer, workman, or mechanic, has been employed by or on behalf of the Government of the United States since the 25th day of June, 1868, the date of the act constituting eight hours a day's work, shall be paid for each eight hours he has been employed as for a full day's work, whether engaged at a price per day or upon piece-work or task-work, without any reduction of pay on account of the reduction of the hours of labor, any agreement between the United States and any such laborer, workman, or mechanic touching such compensation to the contrary notwithstanding. And the proper accounting officers are hereby directed to readjust the accounts of all such laborers, workmen, and mechanics, and pay the same in conformity with the provisions of this act; and a sufficient sum of money for that purpose is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Under that bill, if it should have become a law, every person on the pay-rolls of the Government who has been paid at all has but to appear and ask that his account with the Government shall be adjusted by allowing him for each of the eight hours he has worked the full price of the day's labor, and then the money is paid him. That, as I have said, squared accounts in 1872, and that to-day, in my opinion, would square the accounts of these laborers and mechanics, and they would go away with the money in their hands.

But this bill authorizes them to commence a suit against the Government of the United States in the Court of Claims and get what they can in a judgment, and then after the judgment get an appropriation to pay the judgment. I say I shall vote for this measure because I find that I can not get the other, but I want to express my regret that the committee has not found itself able to direct the officers of the Government with an accompanying appropriation to pay according to the hours these men have worked.

I know that the great body of these men are for the bill that is reported, and are not in favor of the bill which I have read, but there are a great many of them who understand the difference. All that body of men who have worked in the armory at Springfield since 1872 under this order of things understand it, and they have besought me to try to get

something real; something more than putting them to the task of prosecuting their claims before the Court of Claims, and after a judgment some year or two years hence, to have to come here again and get an appropriation to pay it.

Sir, I have been besought to withdraw this objection, but the truth of it is that the letters which come to me asking me to go for the measure reported by the Senator from New Hampshire come from operatives and mechanics and laborers in the eastern part of Massachusetts and in different States, and they come to me upon the letter-heads of claim agents written here in Washington. Letters are written to me from the Boston navy-yard, but upon the letter-heads of claim agents here in Washington, begging of me not to press this direct order upon the accounting officers to pay out of the Treasury at the rate of a full day's work for eight hours, and to go for this proposition which proposes to give them the great privilege of prosecuting a claim in the Court of Claims and get what they can and then afterwards to get an appropriation to pay it. I express, I repeat the regret—

Mr. COCKRELL. Mr. President—

The PRESIDING OFFICER. Does the Senator from Massachusetts yield?

Mr. COCKRELL. Does the Senator have any suspicion where those letters originate?

Mr. DAWES. No; the names of the claim agents are at the heads of the letters, but I have not the letters here and I have no desire to bring the claim agents into this debate. I only state that these laborers and mechanics, with as just a claim upon the Government as the bonds of the United States, are being induced to take up with a proposition to sue the United States in the Court of Claims rather than to take the enactment of the Congress of the United States commanding the accounting officers of the Treasury to pay them out of an appropriation what is their due under the law of the land. They insist upon it; and there is no possibility of getting any direct legislation commanding that justice be done. Twice or three times have I introduced this bill and had it referred to the committee, and I never heard of it afterwards, and the only reason I have ever heard given is that these people prefer the other method, and I am informed more through letters on letter-heads of claim agents here than in any other way.

I shall record my vote for the substitute to be proposed by the Senator from New Hampshire for the reasons I have stated. I know the difficulties that surround the committee; I know how difficult it is to legislate upon this subject; but with some experience in connection with it, I regret exceedingly the form in which the measure is presented. I never could understand why the accounting officers of the Government, whether of the Treasury or of the other Departments, felt at liberty in the face of the law to adjust the accounts of these laborers and mechanics upon any other basis than that eight of the hours that they worked constituted a day's labor, and I am surprised also that these honest, hard-working men have been so far drawn into the plan, which it appears to me there can be no mistake has originated here round about this city, to take up with and be content with the mere pittance of a permission to sue the Government in the Court of Claims.

Mr. STEWART. Mr. President, I regret the necessity of legislating to compel officers of the Government to carry into execution plain, positive law. I do not understand why there can be an excuse for the Government officers refusing to allow men to work eight hours a day and pay them for it as required by the statute. I voted for the original law. I believed then and believe now that eight hours is long enough for a laboring man to work. I believe that that is best for society. The time has passed when it is to the interest of society for laboring men to be mere beasts of burden.

The labor of the country can be better performed by some indulgence, and a much higher grade of laborers can be secured by efficient and ambitious men in eight hours than in a longer period of labor. Certainly the laborer can accomplish much more in his lifetime than he would if he exhausts himself day by day so that he has no time for study; no time to devise means whereby he can facilitate labor, but is a mere drudge. He can not under those circumstances accomplish anything like he can with proper hours and more time for improvement and more time for studying how labor can be economized.

For the advance in labor-saving machines in this country we are indebted to the laborers. The laborers of this country are the inventors, and their inventions have multiplied vastly, beyond all comprehension, the power the people have over the resources of nature to supply the wants of man. What we want is a higher grade of labor. In almost any department intelligence of labor is an advantage.

You say that if you will give them the time they will spend it foolishly, that they will spend it in idleness or in drink, and all that kind of thing, and that you must keep them at work to keep them out of mischief. There may be some who will do it, but the great mass of the intelligent laborers of this country are investigating the question. When you see the steam-engine and all the machinery that is moving this world, and reflect that that is the result of free labor and free men and intelligent men, you must see the good effect of relieving them from the burden of working more than eight hours a day. Make that rule and you will continue to improve the condition of the laboring men. I

believe the time will come when they will not have to work eight hours a day. I believe the development of machinery will be such that that will not be required. There are certainly laborers enough in this country to perform all the work that can be provided for them under existing circumstances working only eight hours a day. There are plenty of them.

When the law was passed I voted for it with the idea that it would be an example, that it would be an illustration, and that the Government of the United States could set the example without any detriment to the country. It has worked well so far as it has gone. It has called the attention of the people to the fact that a limitation of the time was not injurious. I have seen men work in the mines; I have been the employer of men, and conversant with their work in the mines, and eight hours' labor a day is very common where they are performing the most arduous work underground working in the mines. We find that in eight hours a day they accomplish as much ordinarily—that a man will do as much, taking the year round, in eight hours a day as he would in ten, and that the men thus engaged are brighter men and more efficient. I should like to see this experiment tried throughout the whole country. There is nothing revolutionary in it. There is nothing in it against reason. The Government having undertaken to set the example, to make the experiment, so to speak, the officers should carry out that determination in good faith. It seems to me incomprehensible that there should have been any hesitation in carrying it out.

I agree with the Senator from Massachusetts that we ought to turn these accounts over to the accounting officers and settle them speedily and without delay. It is one of those obligations that the Government should execute at once, without question. The time will soon come, however those who have not investigated the subject may think now, the time is not far distant when the whole country will concede that eight hours' labor is sufficient.

Twelve and fourteen hours a day used to be a day's work when I was a young man. Fourteen hours was a day's work a good deal of the time. That made a mere drudge of a man. It deprived him of all the privileges of education. It made it impossible for him to invent new ways of doing things; he had no time for study or reflection.

Eight hours' work is sufficient for any man, although there are many engaged in intellectual pursuits or professional pursuits who have to work more hours than that. Many of us here work twice that amount, from sixteen to eighteen hours frequently, but I believe if we could economize time and work regularly eight hours a day it would be better for intellectual pursuits and that eight hours would be sufficiently exhaustive, and if we would rest then and commence work fresh the next day I believe our public men would live longer, be brighter men, and accomplish more; and I should like to see that done.

I believe the whole country is coming to the conviction that eight hours is sufficient for a day's labor. It certainly is sufficient to accomplish all the labor that is necessary to be performed in the United States. There are thousands, yes, hundreds of thousands of people without employment because the enterprises of the country do not furnish sufficient employment. Why should they not, if there is an abundance of labor at eight hours a day and the laboring men desire it, be limited to that number of hours?

But when the Government of the United States has undertaken to set this example, which I believe is a wise example, I think we ought in the most direct manner to right this wrong and show the accounting officers that we did not pass the law in jest, to be violated because the men with whom they deal have no power to right their wrongs except through Congress. I think we ought to teach them a lesson and set them to work immediately to pay these just obligations and give the law complete effect where the United States has direct jurisdiction to do it.

I shall vote for this bill, but it is not all that I desire.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee. [Putting the question.] The ayes appear to have it.

Mr. COCKRELL. I call for a division.

There were, on a division—ayes 13, noes 2; no quorum voting.

The PRESIDING OFFICER. There being no quorum, the Secretary will call the roll.

The Secretary called the roll; and the following Senators answered to their names:

Allen,	Colquitt,	Harris,	Reagan,
Allison,	Davis,	Hawley,	Sawyer,
Barbour,	Dawes,	Hoar,	Sherman,
Bate,	Dixon,	Ingalls,	Spooner,
Blackburn,	Dolph,	Manderson,	Stewart,
Blair,	Evarts,	Mitchell,	Stockbridge,
Butler,	Frye,	Morgan,	Walthall,
Cameron,	Gibson,	Paddock,	Wilson of Iowa,
Carlisle,	Gray,	Pasco,	Wilson of Md.
Casey,	Hale,	Platt,	Wolcott,
Cockrell,	Hampton,	Pugh,	

The PRESIDING OFFICER. Forty-three Senators have answered to their names. A quorum is present.

Mr. BLAIR. I hope the question may now be taken on the amendment reported by the committee, which is to strike out the proviso.

Mr. COCKRELL. Let us have the yeas and nays upon it.
Mr. BLAIR. The yeas and nays have been called for, and I hope the question will be taken.

The yeas and nays were ordered.

Mr. PLATT. Let the amendment be reported.

Mr. COCKRELL. I ask that the amendment may be reported once more.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. In section 2, line 46, after the word "attorney," it is proposed to strike out the following proviso:

Provided further, That this act shall not be operative whenever the court shall find that such laborer, workman, or mechanic performed such labor or service under any contract express or implied, and has been paid therefor for the amount agreed upon.

The Secretary proceeded to call the roll.

Mr. CAMERON (when his name was called). I am paired with the Senator from South Carolina [Mr. BUTLER].

Mr. PUGH (when his name was called). I am paired with the Senator from Vermont [Mr. EDMUNDS].

The roll-call was concluded.

Mr. PADDOCK. I am paired with the Senator from Louisiana [Mr. EUSTIS], but under an arrangement with the Senator from Tennessee [Mr. HARRIS] that pair has been transferred, so that the Senator from Tennessee and myself are at liberty to vote. I vote "yea."

Mr. HARRIS. I have already voted.

Mr. COCKRELL. I desire to announce that my colleague [Mr. VEST] has been called home, and probably will not be able to be present during the remainder of this session. He is paired generally with the Senator from Kansas [Mr. PLUMB]. I do not know how my colleague would vote on this question if he were present.

Mr. BLAIR. I am paired ordinarily with the senior Senator from Mississippi [Mr. GEORGE], but I know his sentiments upon this labor bill and feel at liberty to vote. I vote "yea."

Mr. GIBSON (after having voted in the negative). I am paired with the Senator from Minnesota [Mr. DAVIS]. I withdraw my vote on this question.

Mr. WOLCOTT. I am paired with the Senator from West Virginia [Mr. KENNA].

The result was announced—yeas 26, nays 13; as follows:

YEAS—26.			
Allen,	Frye,	Mitchell,	Sherman,
Blair,	Gorman,	Morgan,	Spooner,
Casey,	Gray,	Paddock,	Stewart,
Dawes,	Hale,	Pierce,	Stockbridge,
Dixon,	Hawley,	Platt,	Wilson of Iowa.
Dolph,	Hoar,	Power,	
Evarts,	Manderson,	Sawyer,	
NAYS—13.			
Barbour,	Cockrell,	Harris,	Wilson of Md.
Bate,	Coke,	Pasco,	
Blackburn,	Colquitt,	Reagan,	
Carlisle,	Hampson,	Walthall,	
ABSENT—13.			
Aldrich,	Edmunds,	Kenma,	Squire,
Allison,	Eustis,	McMillan,	Stanford,
Berry,	Farwell,	McPherson,	Teller,
Blodgett,	Faulkner,	Moody,	Turpie,
Brown,	George,	Morrill,	Vance,
Butler,	Gibson,	Payne,	Vest,
Call,	Hearst,	Pettigrew,	Voorhees,
Cameron,	Higgins,	Plumb,	Washburn,
Chandler,	Hiscock,	Pugh,	Wolcott.
Cullom,	Ingalls,	Quay,	
Daniel,	Jones of Arkansas,	Ransom,	
Davis,	Jones of Nevada,	Sanders,	

The PRESIDING OFFICER. No quorum has voted. The roll of the Senate will be called.

The Secretary called the roll; and the following Senators answered to their names:

Allen,	Dixon,	Hoar,	Pugh,
Bate,	Dolph,	Ingalls,	Reagan,
Blackburn,	Evarts,	Manderson,	Sawyer,
Blair,	Frye,	Mitchell,	Sherman,
Carlisle,	Gibson,	Moody,	Spooner,
Casey,	Gorman,	Morgan,	Stewart,
Cockrell,	Gray,	Paddock,	Stockbridge,
Coke,	Hale,	Pasco,	Walthall,
Colquitt,	Hampson,	Pierce,	Wilson of Iowa,
Davis,	Harris,	Platt,	Wilson of Md.
Dawes,	Hawley,	Power,	Wolcott.

The VICE-PRESIDENT. Forty-four Senators have responded to their names. A quorum is present, and the roll will be again called on the amendment.

The Secretary proceeded to call the roll, and called the name of Mr. ALDRICH.

Mr. COCKRELL. I should like to ask if Senate bill 2648, granting the right of way to the Junction City—

Mr. BLAIR. Is anything in order but the roll-call now?

Mr. COCKRELL. Has anybody answered?

The VICE-PRESIDENT. No response has been made.

Mr. COCKRELL. Does that stop anything else on earth?

The VICE-PRESIDENT. The Chair thinks not.

Mr. COCKRELL. I do not think so.

Mr. BLAIR. The roll-call is in order, I suppose.

Mr. COCKRELL. Is that the only thing on earth that is in order?

Mr. BLAIR. The Senator from Missouri, I venture to say, is out of order, and I appeal to the Chair.

Mr. COCKRELL. Nobody has answered.

The VICE-PRESIDENT. No Senator has responded to his name.

Mr. COCKRELL. Am I recognized as in order?

The VICE-PRESIDENT. The Senator from Missouri is in order.

Mr. COCKRELL. Notwithstanding the Senator from New Hampshire.

Mr. President, this is a very important question as to striking out this clause, and the best way I can discuss is—

Mr. BLAIR. I rise to a question of order.

The VICE-PRESIDENT. The Senator will state his point of order.

Mr. BLAIR. Is there a quorum present? I understood the roll-call had revealed the absence of a quorum.

The VICE-PRESIDENT. A quorum is present.

Mr. BLAIR. Is not then the roll-call on the amendment in order?

The VICE-PRESIDENT. The Chair understands that a Senator

has the right to occupy the attention of the Senate until a response has been made on the roll-call.

Mr. BLAIR. I thought I heard a response.

Mr. COCKRELL. Well, Mr. President, I am very sorry that the Senator from New Hampshire did not hear a response. I admire his impatience on certain occasions; and the patience which he exhibits on certain other occasions is one of the most admirable characteristics I have ever seen in him.

In the early part of this session we beheld him for three mortal days having the Job-like patience to discuss one measure continuously, and we did not hear any complaint then about whether it was in order for him to exercise his patience in that discussion or not, but now a Senator can scarcely address the Chair when a measure that the Senator from New Hampshire has in charge is pending. I respectfully and with all kindness and fraternal love say to my good brother BLAIR, be patient.

Mr. BLAIR. I hope the Senator—

Mr. COCKRELL. Mr. President, I meant to say "the distinguished Senator from New Hampshire." I ought not to have been unparliamentary.

Mr. BLAIR. Mr. President, if the Senator will permit me—

Mr. COCKRELL. With pleasure.

Mr. BLAIR. My suggestion that the Senator was out of order was for the reason that he addressed me personally before. [Laughter.]

Mr. COCKRELL. Mr. President, in connection with my few remarks upon the pending business, I should like to ask the Chair a question, and that is whether the bill (S. 2648) granting right of way to the Junction City and Fort Riley Street Railway Company into and upon the Fort Riley military reservation in the State of Kansas, and for other purposes, has been received back from the House of Representatives with a request for a conference.

The VICE-PRESIDENT. The Chair will respond to the Senator as soon as he can ascertain the fact.

Mr. COCKRELL. I ask that, pending this measure, the bill to which I refer may be laid before the Senate.

The VICE-PRESIDENT. The Chair is advised that a conference has been agreed to by both Houses on the bill referred to by the Senator from Missouri.

Mr. COCKRELL. That is what I desired to know, if a conference had been agreed to.

The VICE-PRESIDENT. It has been agreed to by both Houses.

Mr. COCKRELL. Have the conferees been appointed upon the part of the House?

The VICE-PRESIDENT. They have been.

Mr. COCKRELL. I believe that now leaves the bill of the Senator from New Hampshire in order.

The VICE-PRESIDENT. The question is on the amendment reported by the Committee on Education and Labor striking out the proviso at the end of section 2, on which the yeas and nays will now be taken.

The Secretary proceeded to call the roll.

Mr. CAMERON (when his name was called). I am paired with the Senator from South Carolina [Mr. BUTLER].

Mr. PUGH (when his name was called). I am paired with the senior Senator from Vermont [Mr. EDMUNDS], but I am allowed to vote to make a quorum, and as there was no quorum on the last call I will vote "nay."

Mr. WOLCOTT (when his name was called). I am paired with the Senator from West Virginia [Mr. KENNA].

The roll-call was concluded.

Mr. GIBSON (after having voted in the negative). I withdraw my vote. I am paired with the Senator from Minnesota [Mr. DAVIS].

The result was announced—yeas 27, nays 15; as follows:

YEAS—27.			
Allen,	Frye,	Manderson,	Power,
Allison,	Gorman,	Mitchell,	Sawyer,
Blair,	Gray,	Moody,	Sherman,
Casey,	Hawley,	Morgan,	Spooner,
Dawes,	Hearst,	Paddock,	Stewart,
Dixon,	Hoar,	Pierce,	Wilson of Iowa.
Dolph,	Ingalls,	Platt,	

NAYS—15.			
Barbour, Bate, Blackburn, Carlisle,	Cockrell, Coke, Colquitt, Hampton,	Harris, Pasco, Pugh, Reagan,	Stockbridge, Walthall, Wilson of Md.
ABSENT—42.			
Aldrich, Berry, Blodgett, Brown, Butler, Call, Cameron, Chandler, Cullom, Daniel, Davis,	Edmunds, Eustis, Farwell, Faulkner, George, Gibson, Hale, Higgins, Hiscock, Jones of Arkansas,	Jones of Nevada, Kenna, McMillan, McPherson, Morrill, Payne, Pettigrew, Plumb, Quay, Ransom, Sanders,	Squire, Stanford, Teller, Turpie, Vance, Vest, Voorhees, Washburn, Wolcott.

The VICE-PRESIDENT. No quorum having voted, the roll will be called.

The Secretary called the roll; and the following Senators answered to their names:

Allen, Allison, Barbour, Bate, Blackburn, Blair, Carlisle, Casey, Colquitt, Cullom,	Dixon, Dolph, Frye, Gibson, Gray, Hale, Hampton, Harris, Hearst, Hoar,	Ingalls, Manderson, Mitchell, Moody, Morgan, Paddock, Pasco, Pierce, Platt, Power,	Pugh, Reagan, Sponer, Stewart, Stockbridge, Walthall, Wilson of Iowa, Wolcott.
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Mr. BLAIR. May I inquire if the roll-call discloses the presence of a quorum?

The VICE-PRESIDENT. Thirty-eight Senators have responded to their names—less than a quorum.

Mr. BLAIR. I move that the Sergeant-at-Arms be directed to request the attendance of absent Senators.

The motion was not agreed to.

Mr. HARRIS. As it is obvious that there is no voting quorum here and the last roll-call discloses that there is no quorum here at all, voting or non-voting, I move that the Senate do now adjourn.

The VICE-PRESIDENT. The question is on the motion made by the Senator from Tennessee that the Senate do now adjourn.

Mr. HARRIS. Until 12 o'clock on Monday.

The VICE-PRESIDENT. The question is on the motion of the Senator from Tennessee that the Senate do now adjourn until 12 o'clock on Monday.

Mr. INGALLS. That motion can not be made when there is not a quorum present. That would change the regular hour of meeting, and less than a quorum can not do that.

Mr. HARRIS. Then I move that the Senate do now adjourn.

Mr. BLAIR. Allow me to say that the Senator from Ohio [Mr. SHERMAN] desired to have an executive session if the Senate appeared to be in the condition of having a quorum.

Mr. HARRIS. In the absence of a quorum we can not have an executive session or do any other business. I move that the Senate do now adjourn.

The motion was rejected; there being on a division—ayes 17, noes 25.

Mr. BLAIR. I renew my motion that the Sergeant-at-Arms be directed to request the presence of absent Senators.

Mr. COCKRELL. Is it in order to have a roll-call?

Mr. HOAR. It is on that motion, of course.

The VICE-PRESIDENT. The question is on the motion of the Senator from New Hampshire that the Sergeant-at-Arms be directed to request the attendance of absent Senators.

Mr. INGALLS and Mr. STEWART. Let us have the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 32, nays 12; as follows:

YEAS—32.			
Allen, Allison, Blackburn, Blair, Casey, Cockrell, Coke, Cullom,	Dawes, Dixon, Dolph, Everts, Frye, Gibson, Hale, Harris, Hawley,	Hearst, Hoar, Ingalls, Manderson, Mitchell, Moody, Pierce, Platt,	Power, Pugh, Sawyer, Sherman, Sponer, Stewart, Stockbridge, Wilson of Iowa.
NAYS—12.			
Barbour, Bate, Carlisle,	Colquitt, Gorman,	Hampton, Pasco,	Reagan, Walthall, Wolcott.
ABSENT—40.			
Aldrich, Berry, Blodgett, Brown, Butler, Call, Cameron, Chandler, Daniel, Davis,	Edmunds, Eustis, Farwell, Faulkner, George, Gray, Higgins, Hiscock, Jones of Arkansas,	Kenna, McMillan, McPherson, Morrill, Paddock, Payne, Pettigrew, Plumb, Quay, Ransom,	Sanders, Equire, Stanford, Teller, Turpie, Vance, Vest, Voorhees, Washburn, Wilson of Md.

So the motion was agreed to.

The VICE-PRESIDENT. The Sergeant-at-Arms will execute the order of the Senate.

Mr. INGALLS. What is the total number of votes?

The VICE-PRESIDENT. Forty-four on the last roll-call.

Mr. INGALLS. Then a quorum is here.

Mr. BLAIR. I move that all further proceedings under the call be dispensed with, as the last vote shows that there is a quorum present.

Mr. SHERMAN. Pending that question, there being a quorum present, I move that the Senate proceed to the consideration of executive business.

Mr. BLAIR. I have no objection to that motion, but I wish to say—

The VICE-PRESIDENT. The Chair will first put the question on the motion of the Senator from New Hampshire, that further proceedings under the call be dispensed with.

The motion was agreed to.

Mr. SHERMAN. Now I will submit my motion for an executive session.

Mr. INGALLS. Mr. President, before that motion is submitted, I suggest to the Senator from Ohio that we shall probably have but one or two more legislative days, and they will be undoubtedly occupied in the consideration of graver matters, and it is important that, before we adjourn, the House pension bills on the Calendar should be disposed of, in order that they may be enrolled and stand some chance of becoming laws at this session. Therefore I ask unanimous consent, if the Senator from Ohio will permit me, waiving his motion for that purpose, that the House private pension bills on the Calendar be now taken up for consideration, subject to objection, and that, at the conclusion of their consideration, the Senate proceed, under the motion of the Senator from Ohio, to the consideration of executive business.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from Kansas?

Mr. SHERMAN. I certainly shall not stand in the way of such a proposition.

The VICE-PRESIDENT. Is there objection?

Mr. BLAIR. Before the question is taken I wish to ask consent that the report on the pending bill, which is the unfinished business, may be printed in the RECORD, it not having been read, so that Senators may see what the bill is which they are acting upon.

The VICE-PRESIDENT. The report will be ordered to be printed in the RECORD, if there be no objection. The Chair hears none.

The report is as follows:

Mr. BLAIR, from the Committee on Education and Labor, submitted the following report (to accompany S. 175):

The Committee on Education and Labor, to whom was referred the bill (S. 175) entitled "A bill providing for the adjustment of the accounts of laborers, workmen, and mechanics arising under the eight-hour law," have examined the same and report it favorably, with an amendment, and, as amended, recommend its passage.

This bill only gives to the parties the right to present their cases to the Court of Claims, and your committee urgently press the passage of the bill as one step in the direction of justice to a large class of laboring men, from whom the Government has withheld the wages due for extorted toil for many years. The report made by the chairman in the Fiftieth Congress is added hereto, as it gives a general statement of the entire case.

[Senate Report No. 593, Fiftieth Congress, first session.]

The Committee on Education and Labor, to whom was referred the bill (S. 1853) providing for the adjustment of the accounts of laborers and mechanics arising under the eight-hour law, having considered the same, report the bill back favorably.

The eight-hour law was enacted on the 25th day of June, 1893, and is in the following words:

"Eight hours shall constitute a day's work for all laborers, workmen, and mechanics who may be employed by or on behalf of the Government of the United States." (Section 3738, Revised Statutes.)

Great difficulty has been found in securing compliance with this statute on the part of some of the executive officers of the Government, and in the War and Navy Departments especially claims have from time to time arisen on the part of wage-workers employed by the Government for labor rendered in excess of the daily eight hours which by law constituted a full day's work.

Some of these claims have been paid, while others remain outstanding, and from time to time they are pressed for payment.

The object of this bill is to refer the whole matter to the Court of Claims for adjudication upon the basis that eight hours constitute a day's work, and that each eight hours' labor performed shall entitle the worker to receive pay for a full day's work.

It seems to a majority of your committee that the real question involved is whether the supremacy of the law shall be maintained and its manifest intent carried out by the subordinate officers charged with its execution. But it is proper to say that in many instances the excess of labor was performed with knowledge of the law, and the question has been raised whether the acceptance of the opportunity to labor for a longer period than eight hours and the reception of the ordinary pay for a day's work does not constitute a payment in full for all the labor performed, including the excess of the eight hours required by law.

The claimants allege that the excess of labor was performed under compulsion, and that they at the time protested, and have from time to time demanded of the Departments concerned and of the Congress compensation for the excess of work exacted from them under threat of deprivation of any employment whatever, which to them and their families was, in effect, deprivation of the necessities of life, since only with work could they avoid starvation.

This subject has been before Congress a long time with favorable action by both Houses, and your committee insert, as a part of this, the report of the committee in favor of these claims made in the last Congress, which recites most of the legislation and the substantial facts pertinent to the subject.

[Senate Report No. 450, Forty-ninth Congress, first session.]

The Committee on Education and Labor, to whom were referred sundry petitions and memorials of workmen, laborers, and mechanics of Philadelphia,

New York, and Brooklyn, also the bill (S. 1884) relating to the eight-hour law, beg leave respectfully to report:

On the 25th day of June, 1868, Congress passed an act, commonly known as the eight-hour law, fixing the number of hours which should thereafter constitute a day's work for certain classes of Government employes.

The act is in the following words:

"Eight hours shall constitute a day's work for all laborers, workmen, and mechanics now employed or who may hereafter be employed by or on behalf of the Government of the United States." (See 15 Stat. at Large, page 77, now Revised Statutes, section 3738.)

Your committee have made careful investigation into the conduct of the officers of the Government who have had charge of the employment of the men who are entitled to the benefits intended to be conferred by the passage of this act, from its passage to the present time, and find that from the beginning the law has been by many of the officers of the Government disregarded, evaded, and violated. As early as the beginning of the year 1869 complaint was made to the President of the United States that the law was not enforced or regarded by the officers of the Government having charge of the employment of these men. These complaints called forth from the President, on the 19th day of May, 1869, the following proclamation:

"Whereas the act of Congress approved June 25, 1868, constituted on and after that date eight hours a day's work for all laborers, workmen, and mechanics employed by or on behalf of the Government of the United States and repealed all acts and parts of acts inconsistent therewith:

"Now, therefore, I, Ulysses S. Grant, President of the United States, do hereby direct that from and after this date no reduction shall be made in the wages paid by the Government by the day to such workmen, laborers, and mechanics on account of the reduction of the hours of labor.

"In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

"Done at the city of Washington this 19th day of May, in the year of our Lord 1869 and of the Independence of the United States the ninety-third.

U. S. GRANT,

"By the President:

"HAMILTON FISH,
"Secretary of State."

This, however, had little or no effect, and the matter went on with little or no attention being paid to the law, the men either being required to work ten hours to earn their daily wages, or suffer a reduction of wages to correspond with the reduction of the hours of labor, until May, 1872, when the President issued a second proclamation, calling attention to the first, forbidding any reduction of wages in consequence of the reduction of the hours of labor. The proclamation is in the following words:

"Whereas the act of Congress approved June 25, 1868, constituted on and after that date eight hours a day's work for all laborers, workmen, and mechanics employed by or on behalf of the Government of the United States; and whereas, on the 19th of May, 1872, by Executive proclamation, it was directed that from and after that date no reduction should be made in the wages paid by the Government by the day to such laborers, workmen, and mechanics on account of the reduction of the hours of labor; and whereas it is now represented to me that the act of Congress and the proclamation aforesaid have not been strictly observed by all officers of the Government having charge of such workmen, laborers, and mechanics:

"Now, therefore, I, Ulysses S. Grant, President of the United States, do hereby again call attention to the act of Congress aforesaid, and direct all officers of the Executive Departments of the Government having charge of the employment of laborers, workmen, and mechanics employed by or on behalf of the Government of the United States, to make no reduction in the wages paid by the Government by the day to such laborers, workmen, and mechanics on account of the reduction of the hours of labor." (United States Statutes at Large, volume 17, page 955.)

Meantime petitions and memorials had been sent to Congress praying for relief and for the enforcement of the law; and on the 18th day of May, 1872, Congress passed an act requiring the accounting officers of the Treasury to settle with and pay to their employes all sums withheld from them by reason of the reduction of the wages in consequence of the reduction of the hours of labor for the time intervening between the passage of the act constituting eight hours a day's work and the 19th of May, 1869, the date of the President's first proclamation, which act is in the following language:

"SEC. 2. That the proper accounting officers be, and are hereby, authorized and required, in the settlement of all accounts for the services of workmen, laborers, and mechanics employed by or on behalf of the Government of the United States, between the 25th day of June, 1868, the date of the act constituting eight hours a day's work for all such laborers, workmen, and mechanics, and the 19th day of May, 1869, the date of the proclamation of the President concerning such pay, to settle and pay for the same without reduction on account of the reduction of the hours of labor by said act, when it shall be made to appear that such was the sole cause of the reduction of wages, and a sufficient sum for said purpose is hereby appropriated out of any money in the Treasury not otherwise appropriated."

Under this act many of the parties were paid, while a considerable number of the claims for the above-named period, which were filed with the accounting officers, were not paid, but still remain on file in the Department. Your committee find that notwithstanding the Executive had, in the two instances above cited, by his proclamation declared what the spirit and intent of the law was, and the further fact that Congress had by the act above referred to given a legislative construction to the act, still many of the officers of the Government whose duty it was to execute the law adopted various measures to avoid it, and to get from the men in the employ of the Government, under their control, ten hours' work for each calendar day. One of these means was to require these men to enter into special contracts to work ten hours per day; another was to employ them by the hour, and still another was, in cases where it was practicable, to have the work done by the piece.

Another was what is known as the 15 per cent. contracts, under which nearly all the granite for the public buildings throughout the United States was cut. Under these contracts the men were employed by the day, under the control and superintendence of the Government, and paid on Government pay-rolls, and the contractors were paid 15 per cent. on the cost of cutting the stone. The men employed on this work claimed that it was Government work, and that they were employed on behalf of the Government, and entitled to the benefit of the eight-hour law. To settle the question a suit was brought in the Court of Claims, which went to the Supreme Court of the United States, and was decided against the claimant on the ground that there was no privity between the claimant and the Government; that the contractor was alone responsible to the claimant for his wages. This was the case of Driscoll vs. The United States, reported in 6 Otto, page 434.

The only other case decided by the Supreme Court under this law is that of *Martinez vs. The United States*, reported in 4 Otto, page 400. In this case the claimant was at work under a special contract to work twelve hours per day from the 1st of October to the 1st of June for \$2.50 per day, and ten hours per day from the 1st of June to the 1st of October at \$2.25 per day. The court held that the act of June 25, 1868, constituting a day's work, was a direction by Congress to the officers and agents of the Government, prescribing the length of time which should constitute a day where no special agreement was made on the

subject, but as claimant had made a special agreement he must be bound by it. These embrace all the decisions of the Supreme Court under this law, and it will readily be seen that neither of them affect the rights of the claimants included in this bill.

None of these measures for evading the law, however, were uniformly adopted, nor was the law uniformly ignored. In some departments the law was enforced, and notably so under the Administration of President Grant, in many if not all of the navy-yards and arsenals, and also on the new State, War, and Navy Department building here in Washington the men were only required to work eight hours to earn their daily wages. But under the Administration of President Hayes the law was practically ignored, and the men were required to work ten hours to earn the same pay that they had received under the Administration of President Grant for eight hours' work.

Thus the matter has run on until the present time, some Departments ignoring the law and others enforcing it. The result, therefore, is, that the Government has been requiring of a portion of its employes, laborers, workmen, and mechanics ten hours' work to earn the same amount of money that it has paid to others of the same class of labor for eight hours' work. This, your committee think, is an unfair and unjust discrimination which should not have been made. Whatever construction may be put upon the law, certainly no one will claim that it justifies such a discrimination. These men are either entitled to a full price of a day's work for eight hours' labor or they are not. If the act contemplated a reduction of the wages of labor to correspond with the reduction of the hours of labor, those who have been paid the full price of a day's work for eight hours' of labor have been overpaid, if such was not the intention of Congress in passing the act; if not, then the Government honestly owes these men for the difference between the value of eight and the value of ten hours' work, to be determined by the standard adopted by the Government in fixing the rate of wages paid to its employes of the class hereinbefore named.

In determining the question as to whether, under the act of June 25, 1868, these men are entitled to a full day's pay for eight hours' work, we have recourse not only to the proclamations of the President of the United States above quoted, and the act of May 18, 1872, directly requiring the accounting officers of the Government to give the law this construction, but we are further enlightened by the debates in the Senate upon this act when the bill was before the Senate. (Page 3424, vol. 68, Globe, second session Fortieth Congress.) During this debate Mr. SHERMAN, of Ohio, offered an amendment to the effect that the wages should be reduced to correspond with the reduction of the hours of labor. This debate was participated in by Senators Morton, Wilson, Thurman, STEWART, and others. We quote from the remarks made by Senator Morton, as follows:

"MR. MORTON. * * * As I understand the amendment proposed by the Senator from Ohio, I am not in favor of it. I think it will virtually defeat the object of the bill.

"MR. CONNESS. Of course it does.

"MR. MORTON. It proposes to adjust the rate of wages according to the length of time during which labor is performed. The effect of it would be to bring down the rate of wages, because the time for labor is shortened that much."

The amendment was rejected by a vote of 21 to 16. We also quote from the debates in the Senate on the adoption of the House resolution, No. 47, which was incorporated in section 2 of the sundry civil bill, passed May 18, 1872, and referred to above. (Page 124, volume 87, Globe, second session Forty-second Congress.)

"MR. MORTON. Mr. President, I desire to make one suggestion in reply to the Senator from Connecticut, as to what was the understanding here when the eight-hour law passed. My recollection is that the Senator from Ohio, behind me [Mr. SHERMAN], offered an amendment to that bill for the purpose of testing the sense of the Senate as to whether there should be a full day's wages paid for eight hours' work or only eight hours' labor paid for. My recollection is that the question was distinctly presented in that amendment, which was voted down by a very decided majority."

"MR. SUMNER, on the same resolution:

"It is unquestionably an act of justice; these workmen are out of their money, some of them are dead and are represented by their families, and to them this small allowance is of very great importance. I do not think it is advisable for us to take more time. I think we fairly owe the money, and, therefore, the sooner we pay it the better."

In the light of the legislation upon this subject, your committee have no hesitation in coming to the conclusion that Congress, in passing the act of June 25, 1868, intended to lessen the hours of labor without in any degree reducing the rate of wages, and they are consequently of the opinion that in all cases where the class of employes named in the act have been required to work more than eight hours to earn their daily wages, or where the wages have been reduced on account of the reduction of the hours of labor, the Government is justly indebted to the men for the deficiency.

No appropriation is asked for in this bill; the claimants only ask to be allowed to go to a court of competent jurisdiction, where they can have an opportunity to establish their claims upon the basis that they shall be paid the full price of a day's work for eight hours' labor. And this your committee think but a reasonable request and ought to be granted, and therefore report the bill back without amendment and recommend that it do pass.

(As to the custom of the Government in fixing the rate of wages and the order and construction of the Secretary of War, and as to the report of committee appointed to investigate the 15 per cent. contracts being made to evade the eight-hour law and extracts from Senate debates, see appendix.)

APPENDIX A.

(Court of Claims. No. 8009. Eight-hour case. James Driscoll vs. The United States. Evidence for claimant.)

Deposition of William T. Dewdney, for plaintiff, taken in Washington, D. C., on the 3d day of March, 1877.

Q. 1. State your name, age, occupation, your place of residence the past year and whether you have any, and, if any, what, interest, direct or indirect, in the claim which is the subject of inquiry; and whether you are related, and in what degree, to the claimant.

A. W. T. Dewdney; forty-two years; carpenter; No. 1414 Seventeenth street, Washington, D. C.; I have no interest in this claim, and I am not related.

Q. 2. How are you at present employed?

A. I am assistant superintendent of the new War, State, and Navy Department building.

Q. 3. How long have you been so employed?

A. Since June, 1872.

Q. 4. State, if you know, what the Government paid stone-cutters and granite-cutters on the work here in Washington during the years 1871 and 1872.

A. In 1872 we paid granite-cutters \$4.50 per day for eight hours' work.

Q. 5. Did the Government observe the eight-hour law here in Washington?

A. They did.

Q. 6. By what rule, if any, did the Government establish the scale of prices paid for labor?

A. The price paid to the mechanics and laborers employed on the Government building is established by the market price paid by parties outside.

Q. 7. Do you mean to be understood that the Government pays the same price

for eight hours' labor that private parties pay for ten? If not, state what you mean to be understood by it.

(Objected to as leading.)

A. I mean that they do pay the same.

Q. & Do you know of any other matter relative to the claim in question? If you do, state it.

A. I do not.

WM. T. DEWDNEY.

Subscribed and sworn to before me this 2d day of March, 1877.

[SEAL]

JNO. W. FRAZEE,

United States Commissioner, District of Columbia.

APPENDIX B.

EIGHT-HOUR LAW—SECRETARY LINCOLN'S LETTER OF INSTRUCTIONS THAT IT SHOULD BE ENFORCED.

Inquiry having been made at the War Department as to the truth of the repeated allegations that the eight-hour law has been disregarded by the Department, it is learned from the Acting Secretary of War, General Benét, that the charge was unfounded, as is shown by the following copy of a letter of instructions sent to him as Chief of Ordnance by Secretary Lincoln:

"WAR DEPARTMENT, Washington City, December 26, 1868.

"SIR: I transmit herewith separate petitions purporting to be signed by employees of the arsenal at Benicia, the arsenal at Rock Island, and the arsenal at Frankford, representing that the provisions of the 'eight-hour law' (section 3733 of the Revised Statutes) are not complied with at those arsenals, and praying that they be enforced. The law referred to does not prohibit Government officers, for good reasons based on the peculiar character of the duty of the employé or upon the exigency of the public service, from making the agreement with an employé of the character named in the act, that he shall render his services for an agreed price during more or less than eight hours in a day, and it may be that some or all of the petitioners are employed under such an engagement. It is, however, my opinion that in the absence of a public exigency the continuance of active work at Government manufacturing establishments for more than eight hours a day is in violation of the intent of the statute, and you will please to instruct the commanding officers of the above-named arsenals accordingly.

"I have the honor to be, very respectfully, your obedient servant,

"ROBERT T. LINCOLN,

"Secretary of War.

"To the CHIEF OF ORDNANCE."

APPENDIX C.

[House Report No. 93, second session, Forty-second Congress, Seneca sandstone investigation, page 4.]

That by employing stone-cutters through contractor ten hours' labor are obtained per day, instead of eight, a saving of 20 per cent., which more than covers on his contract the 15 per cent. allowed the contractor.

APPENDIX D.

[Senate, June 24, 1868. Globe. Page 3424, volume 68, second session Fortieth Congress, 1868.]

First. SHERMAN'S amendment to H. R. bill to regulate hours of labor.
Second. Speech of Senator CONNESS.
Third. Speech of Senator SHERMAN.
Fourth. Speech of Senator HENDRICKS.
Fifth. Speech of Senator MORTON, page 3425.
Sixth. Speech of Senator STEWART, page 3425.
Seventh. Speech of Senator BUCKALEW, page 3427.
Eighth. Rejection of SHERMAN'S amendment, page 3429. For amendment, 16; against, 21.
Ninth. Passage of bill without amendment. Yeas, 26; nays, 11.
Tenth. SHERMAN'S suggestion to change title of bill "to give Government employés 25 per cent. more wages than employés in private establishments receive." (Senate, Forty-second Congress, Globe, volume 67, page 122.)
Senator Wilson's explanation of violation of law of 1868.
Perry and Thurman, page 123.
Morton, 124.
Sumner, 124.

Extracts from speeches delivered in the Senate of the United States, June 24, 1868, on H. R. bill No. 395, constituting eight hours a day's work for Government employés.
Senator CONNESS. Now, sir, I move to take up for consideration House bill No. 395. (Page 3424, volume 68, Globe, second session, Fortieth Congress.)

Senator SHERMAN. I wish to offer an amendment:

"And unless otherwise provided by law, the rate of wages paid by the United States shall be the current rate for the same labor for the same time at the place of employment" (page 3424, volume 68, Globe, second session Fortieth Congress).

Senator CONNESS. I hope this amendment will not be adopted. The passage of the bill with this amendment would amount to nothing. It would simply be a reduction of two hours' labor.

[SHERMAN'S speech on his amendment.]

All I desire is if the United States Government chooses to take the lead in making eight hours a day's work, that it shall not be compelled to pay for that eight hours' work more than any private individual would pay.

I have no objection to the bill (with this amendment), for then the same amount of work done for the United States will bear the same price as if done for an individual, no more and no less.

[Mr. Morton in reply.]

Mr. President, as I understand the amendment proposed by the Senator from Ohio, I am not in favor of it. I think it will virtually defeat the object of this bill.

Mr. CONNESS. Of course it does.

Mr. MORTON. It proposes to adjust the rate of wages according to the length of time during which labor is performed. The effect of it would be to bring down the rate of wages because the time for labor is shortened that much.

Upon the question that this law is to be an experiment to determine whether as much work would be performed in eight hours as in ten, Mr. Morton said: "It can not be settled and the experiment can not be made if the wages in the very beginning are reduced 20 per cent., which would be the practical effect of the amendment of the Senator from Ohio, because, as I understand his amendment, it proposes that the wages shall be reduced as the hours are in point of time."

[Remarks of Senator STEWART.]

The amendment of the Senator from Ohio certainly on no theory would be right, and, I think, on a moment's reflection, the Senator himself will see that,

because I believe that it is admitted on all hands that men will do more work per hour if they work eight hours than they will if they work ten hours a day. If not admitted, I think it is a self-evident proposition. I think it is one of those axioms that require very little demonstration. I say a man will do more per hour who is only required to work eight hours per day than will a man who is required to work ten hours. The less number of hours a man works, the more he can do in the hours that he does work. That, I believe, will be taken as true. This being so, it would not be fair to say that when we reduce the number of hours of work from ten hours to eight hours per day, the wages shall be reduced pro rata. Certainly, if a man only works a single hour a day, he can do more in that hour—make greater exertions—than if he had to work every hour of the day. So, to adjust the wages pro rata according to the number of hours would not be fair.

[Remarks of Mr. Wilson.]

In this matter of manual labor I look only to the rights and interests of labor. In this country and in this age, as in other countries and in other ages, capital needs no champion. It will take care of itself, and will secure, if not the lion's share, at least its full share of profits in all departments of industry. Whatever tends to dignify manual labor or to lighten its burdens, to increase its rewards, or enlarge its knowledge, should receive our sympathies and command our support. Animated by these sentiments, I shall vote against the amendment and for the bill as it came from the representatives of the people.

[Senator BUCKALEW on the Sherman amendment.]

The operation of his (SHERMAN'S) amendment, therefore, when it comes to be applied practically, may be found to nullify the proposed law, or to embarrass the Government in the transaction of public business.

Upon these considerations, in my judgment, it is perfectly clear that if we pass this bill at all we ought not to encumber and embarrass it with the amendment of the Senator from Ohio.

[Actions had upon the bill.]

Amendment rejected. (See Congressional Globe, volume 68, June 21, 1868, pages 3424 and 3429, inclusive.)

The bill passed the Senate as it came from the House—yeas 26, nays 11.

On July 1, 1868, five days after the passage of the bill in the Senate, Mr. Conness submitted the following resolution in the Senate; which was unanimously adopted, to wit:

Resolved, That the President be requested to direct the heads of the several Departments of the Government to promulgate the law limiting the hours of labor, recently enacted, with such regulations as will lead to an immediate compliance with the law.

Extracts from the debates in the Senate on the question of the adoption of House resolution No. 47, which was incorporated in section 3 of the sundry civil bill, passed on the 18th of May, 1872.

(See volume 87, Congressional Globe, second session, Forty-second Congress, page 124. See section 2, page 2, report.)

[Remarks of Mr. Morton.]

Mr. President, I desire to make one suggestion in reply to the Senator from Connecticut, as to what was the understanding here when the eight-hour law passed.

My recollection is that the Senator from Ohio sitting behind me [Mr. SHERMAN] offered an amendment to that bill for the purpose of testing the sense of the Senate as to whether there should be a full day's wages paid for eight hours' work or only eight hours' labor paid for. My recollection is that the question was distinctly presented in that amendment, which was voted down by a very decided majority.

[Mr. Sumner, on the same resolution.]

It is unquestionably an act of justice. These workmen are out of their money. Some of them are dead and are represented by their families, and to them this small allowance is of very great importance. I do not think it advisable for us to take more time. I think we fairly owe the money, and therefore the sooner we pay it the better.

HOUSE.

[Remarks of Mr. Robeson.]

Mr. Speaker, I favor this law because it is only the enforcement of a statute which is written upon the statute-book of this country, and has been there for many years, and which, when it was passed with a full understanding of all its scope and meaning, was a full notice to the country and all the Departments of the Government, and to everybody that was employed under it; therefore, sir, I am in favor, as long as it stands upon the statute-book, of executing it by all the powers of the Government.

[Remarks of Mr. Wright, of Pennsylvania.]

I did not introduce this bill, but I am its advocate, and I will stand by it from the beginning to the end, according to the law. In plain language, the law is written in these words:

"Eight hours shall constitute a day's work by all laborers, workmen, and mechanics who may be employed by, or in behalf of, the Government of the United States."

Is there any difficulty in putting a construction upon that language? It is written as plainly as the English language can express an idea, and it does me good when the ex-Secretary of the Navy rises in his place on this floor and states that while he had charge of that Department he carried out the law. Ordinarily we do not give men credit for carrying out the law, but here there has been an attempt to evade the law; and it has been wantonly done. Gentlemen must not tell me that the Supreme Court have decided that this law does not mean eight hours for a day's work. All that the court has said is that a man who does the labor may make a special contract and is bound by it; that is what the court has decided.

With regard to the character of this law, if it be not the law of the land, strike it from your statute-book, but do not evade it, do not attempt to get around it because it favors a class of men who have not the means to defend themselves in courts of justice or have not the money to come here and lobby this House for the purpose of protecting their own rights. Let the law stand or let the law be repealed. It has been here for a period of some twelve years, for I think the law was passed in 1868. It has been regarded as almost a dead letter upon the statute-book. I tell you that a construction against labor and laboring men, in the manner in which this thing is done, is wrong; and I tell you so before God and in the sight of all men that that law should be carried out and enforced.

[References.]

(See also Wright, Phillips, Page, and Willis—pages 4542 to 4547, inclusive.)

Passed under suspension of the rules on the 14th of June, 1880, by yeas 130, nays 51.

(Extracts from the speech of Mr. Tillman, of South Carolina, on the eight-hour bill, in second session, Forty-sixth Congress, Congressional Globe, volume 44, pages 4542 and 4543. See also Appendix.)

[Resolution as follows.]

Resolved, That according to the true intent and meaning of section 3733 of the Revised Statutes, all laborers, workmen, and mechanics employed by or on be-

half of the Government shall hereafter receive a full day's pay for eight hours' work; and all heads of Departments, officers, and agents of the Government are hereby directed to enforce said law as herein interpreted.

Your committee, in view of the importance of this bill, insert the following additional matter:

To the honorable Senate and House of Representatives of the United States of America in Congress assembled:

Your petitioners respectfully represent that they are laborers, workmen, and mechanics who now are or who have been employed by or on behalf of the Government of the United States subsequent to the 25th day of June, 1868, the date of the act constituting eight hours a day's work; that from the 1st of July, 1877, to December, 1883, they were compelled in all the navy-yards in the United States to work ten hours to earn their daily wages, or to earn what they were paid up to and since that time for eight hours' labor, or submit to a reduction of 25 per cent. in their wages. This we regard as a direct violation of the eight-hour law above referred to and in direct conflict with the construction put upon the law by the United States Senate at the time of the passage of the law; also with the two several proclamations of President Grant, which were in the following words:

"Whereas the act of Congress approved June 25, 1868, constituted on and after that date eight hours a day's work for all laborers, workmen, and mechanics employed by or on behalf of the Government of the United States, and repealed all acts and parts of acts inconsistent therewith:

"Now therefore I, Ulysses S. Grant, President of the United States, do hereby direct that from and after this date no reduction shall be made in the wages paid by the Government by the day to such laborers, workmen, and mechanics on account of such reduction of the hours of labor." (16 Statutes at Large, 1127.)

"Whereas the act of Congress approved June 25, 1868, constituted on and after that date eight hours a day's work for all laborers, workmen, and mechanics employed by or on behalf of the Government of the United States;

"And whereas on the 19th day of May, in the year 1869, by Executive proclamation it was directed that from and after that date no reduction should be made in the wages paid by the Government by the day to such laborers, workmen, and mechanics on account of such reduction of the hours of labor;

"And whereas it is now represented to me that the act of Congress and the proclamation aforesaid have not been strictly observed by all the officers of the Government having charge of such laborers, workmen, and mechanics:

"Now, therefore, I, Ulysses S. Grant, President of the United States, do hereby again call attention to the act of Congress aforesaid, and direct all officers of the executive department of the Government having charge of the employment and payment of laborers, workmen, or mechanics employed by or on behalf of the Government of the United States to make no reduction in the wages paid by the Government by the day to such laborers, workmen, and mechanics on the reduction of the hours of labor." (17 Statutes at Large, 965.)

"It is also in direct conflict with the act of 18th of May, 1873, which is in the following words:

"That the proper accounting officers be, and hereby are, authorized and required in the settlement of all accounts for the services of laborers, workmen, and mechanics employed by or on behalf of the Government of the United States, between the 25th day of June, 1868, the date of the act constituting eight hours a day's work for all such laborers, workmen, and mechanics, and the 19th day of May, 1869, the date of the proclamation of the President concerning such pay, to settle and pay for the same, without reduction on account of reduction of hours of labor by said act, when it shall be made to appear that such was the sole cause of the reduction of wages; and a sufficient sum for said purpose is hereby appropriated out of any money in the Treasury not otherwise appropriated." (17 Statutes at Large, 134.)

"As well as the joint resolution of the House of Representatives, as follows:

"[In the Senate of the United States. May 10, 1878. Read twice and referred to the Committee on Education and Labor. Joint resolution to provide for the enforcement of the eight-hour law.]

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That according to the true intent and meaning of the act of Congress approved June 25, 1868, entitled An act constituting eight hours a legal day's work for all laborers, workmen, and mechanics employed by or on behalf of the Government of the United States, eight hours constitute a day's work for all such laborers, workmen, and mechanics; and while said act remains upon the statute-book no reduction shall be made in the wages paid by the Government, by the day, to such laborers, workmen, and mechanics on account of the reduction of the hours of labor; and that all heads of departments, officers, and agents of the Government are hereby directed to enforce said law as long as the same is un repealed.

"Passed the House of Representatives May 9, 1878.

"Attest:

"GEO. M. ADAMS, Clerk."

We, your humble petitioners, further respectfully represent that we feel that a great injury has been done us in requiring us to perform one-quarter more work in a calendar day than the law of the land required. We feel that we have been deprived of one-fourth of our wages by the action of the officers of the Government whose duty it was to enforce and obey the law in its letter and spirit, and we come to your honorable body as the only tribunal to which we have access, feeling that your honorable body will grant us simple justice. We do not ask a gratuity; we only ask what is honestly and justly our due, and which is now being withheld from us, as we think and fully believe, in violation of a solemn act of Congress which was intended for our benefit.

If we were to have all that the law allows us it would be but a pittance, and scarcely sufficient to enable us to provide the bare necessities of life for our families; and to deprive us of any part of it, while it would not be felt by those in affluent circumstances, is a serious matter to us. We could not refuse to work; that was to starve; and we preferred to take what we could get, render faithful performance of our services, and trust to your honorable body to do us justice in the future. We therefore do humbly but most earnestly pray that your honorable body will allow us the privilege of presenting our several claims to a competent tribunal to be adjudicated upon the basis that the full price of a day's work shall be paid for eight hours' labor, or that your honorable body will grant us such other relief as in the opinion of your honorable body will secure to your petitioners substantial justice in the premises; and your petitioners, as in duty bound, will ever pray.

EXHIBIT A 1.

Report of men hired.
ROCK ISLAND ARSENAL.

—, —, 188—.

To comply with the requirements of General Orders No. 53, Adjutant-General's Office, Washington, D. C., June 1, 1877, a day's work at this arsenal, when the length of the day will permit, is made to consist of ten hours; but to conform more strictly to the ruling custom in this vicinity as is required by law, one-half hour of this time is allowed to the workmen for the longer walk to their work than is necessary in the cities, making the hours of labor nine and one-half hours per day.

In winter, when the hours of daylight will not permit nine and one-half hours of labor, the number of hours fixed by orders from time to time will constitute

a full day's work. When a workman is employed only a part of a day, he will be allowed for such part of a day's work the number of hours he works divided by the number of hours that constitute a day's work at the time. Special workmen, such as foremen, guards, firemen, shop attendants, etc., whose duties require their presence more hours than other workmen, will be allowed only one day's labor for the full number of hours of service required of them in each twenty-four hours, and their wages will be fixed accordingly." We, the undersigned, agree to the above.

Signature.	Name.	For what purpose.	Wages.

Respectfully submitted,

Forwarded approved,

Approved,

Foreman.

In Charge.

Commanding.

STATE OF ILLINOIS, Rock Island County, ss:

Personally appeared before me, a clerk of the county court in and for the county of Rock Island and State of Illinois aforesaid, Patrick J. Cary, who, being duly sworn, upon his oath doth say that he was employed at the United States arsenal at Rock Island, Ill., during the seven years from A. D. 1877 to A. D. 1884; that he as well as other employes at the said arsenal were required to sign the contract, a copy of which is hereto attached and marked Exhibit A, or get no employment at said arsenal; that he did with other employes sign the said contract under protest, knowing at the time of signing the same as aforesaid that eight hours were a legal day's work in Government employ, and that William Channon, a foreman at said arsenal, gave notice to the affiant, as well as other employes, that his instructions were to retain none of the employes that would not sign the aforesaid contract, and that any refusing so to do would be immediately discharged from the Government employ, and that he did sign the aforesaid contract under protest and continued to work at said arsenal under said contract until the night of April 2, A. D. 1884, believing that the United States Congress would give the benefit of the eight-hour law out of which he and the other employes were wronged.

That he has heretofore joined with other employes, and forwarded to the honorable Secretary of War, in a protest against the action of Col. D. W. Flagler, commandant at said Rock Island arsenal.

And further than this deponent saith not.

PATRICK J. CARY.

Subscribed and sworn to before me this 8th day of February, A. D. 1887.

[SEAL.]

RICHARD A. DONALDSON,
Clerk County Court.

EXHIBIT A 2.

Report of men hired.

ROCK ISLAND ARSENAL.

—, —, 188—.

To comply with the requirements of General Orders, No. 53, Adjutant-General's Office, Washington, D. C., June 1, 1877, a day's work at this arsenal, when the length of the day will permit, is made to consist of ten hours; but to conform more strictly to the ruling custom in this vicinity as is required by law, one-half hour of this time is allowed to the workmen for the longer walk to their work than is necessary in the cities, making the hours of labor nine and one-half hours per day.

In winter, when the hours of daylight will not permit nine and one-half hours of labor, the number of hours fixed by orders from time to time will constitute a full day's work. When a workman is employed only a part of a day, he will be allowed for such part of a day's work the number of hours he works divided by the number of hours that constitute a day's work at the time. Special workmen, such as foremen, guards, firemen, shop attendants, etc., whose duties require their presence more hours than other workmen, will be allowed only one day's labor for the full number of hours of service required of them in each twenty-four hours, and their wages will be fixed accordingly.

We, the undersigned, agree to the above.

Signature.	Name.	For what purpose.	Wages.

Respectfully submitted,

Forwarded approved,

Approved,

Foreman.

In charge.

Commanding.

STATE OF ILLINOIS, Rock Island County, ss:

Personally appeared before me, a clerk of the county and State aforesaid, Robert Bennett, who, being duly sworn, upon his oath does say that he was employed at the United States arsenal at Rock Island, Ill., during the years from A. D. 1877 to A. D. 1884, as well as other employes at the said arsenal, have been required to sign the contract (a copy of which is hereto attached and marked Exhibit A) or get no employment at said arsenal; that said deponent, as well as other employes, did protest against signing the said contract, well knowing that eight hours were a legal day's work in Government employ; and that Robert McFarlane, foreman at said arsenal, gave notice to deponent, as

well as other employes, that his instructions were that we, the said employes of said arsenal, must sign the said contract or leave the Government employ at once; and that deponent, as well as other employes, did sign the said contract under protest, and did continue to work at said arsenal, under said contract, until the night of April 2, A. D. 1881, believing that the United States Congress would give the benefit of the eight-hour law, which we were wronged out of; and, further, deponent says that he was elected one of a committee to visit Col. D. W. Flagler, commandant of said arsenal, to protest against the violation of the eight-hour law, which duty he did perform, and was sent to Washington, D. C., in April, A. D. 1884, a delegate, by the employes of said arsenal, and there presented the grievance of said employes, of the violation of the eight-hour law, before the Committee of the House on Labor; also presented the same to Hon. Senator BLAIR, of the Committee on Education and Labor of the Senate, and there endeavored to secure the wages which we are entitled to receive for work performed; and further, that deponent, as well as other employes, did forward a protest against the action of Col. D. W. Flagler, of said arsenal, to the honorable Secretary of War.

ROBERT BENNETT.

Subscribed and sworn to before me this 8th day of February, A. D. 1888.
[SEAL.] RICHARD A. DONALDSON, Clerk County Court.

EXHIBIT B.

PHILADELPHIA, PA., February 7, 1888.

To all whom it may concern:

This is to certify that at a meeting of the employes of the League Island navy-yard held at Philadelphia, on February 22, 1878, I was duly elected as their representative to proceed to Washington for the purpose of getting Congress to pass a law to enforce the "eight-hour law," which had been violated by the honorable Secretary of the Navy, at that time, and also to claim extra compensation for the two hours worked per day in violation of the eight-hour law.

At that time the Boston, New York, Washington, and Norfolk navy-yards sent representatives to work in conjunction with myself. By proxy I was authorized to act for the employes of the Kittery and Mare Island, Cal., navy-yards, also Frankford arsenal, Philadelphia, and the arsenal at Rock Island, Ill., and finally was authorized to represent all the navy-yards.

I would state this committee worked at every session of Congress during the following three years, without obtaining the legislation that they asked for, when all but myself became disheartened and came to the conclusion that Congress passed the eight-hour law for the benefit of Government employes, but would do nothing to make the heads of Departments of the Government enforce the law, after they had violated it.

Finding that Congress would take no action in regard to the enforcement of the law, after a three years' trial I brought the matter to the attention of Presidents Garfield and Arthur and their Secretaries of the Army and Navy, and the great help that I received from the Hon. A. C. Harner, after working for two years more, succeeded in getting Ex-Secretary of the Navy William E. Chandler to enforce the law, which was done on or about March 28, 1883; about ten months afterward succeeded in getting Ex-Secretary of War Robert T. Lincoln to enforce the law. During all this time I, as the representative of these employes, protested against the violation of the law and claimed compensation for the extra hours worked in excess of eight hours per day. I would state that at the navy-yards during the violation of the law the employes were compelled to work six months in the year eight hours per day and six months ten hours per day, and were paid the same rate of wages for eight hours' work per day as they received for ten hours' work per day, and at the navy-yards the employes signed no contracts; they had to work according to orders received or be discharged.

I was informed at the arsenals by the employes that they worked ten hours per day the whole year, during the violation of the law, and were compelled to sign contracts by the officers in charge or be forthwith discharged.

When elected to represent the Government employes I was rated as a laborer on the rolls at navy-yard, League Island, Philadelphia, Pa. Hon. HENRY W. BLAIR, United States Senator, ought to remember me well, as I had to appear before the committee several times on this matter; I also requested him to present in 1884 a resolution to pay Government employes for holidays, which was passed and approved January 6, 1885; also at last session of Congress requested him to present a resolution to pay Government employes for Decoration Day, which was passed and approved.

Hon. A. C. HARNER assisted me in the eight-hour business and can vouch for my statement.

JACOB M. DAVIS,
1031 Frankford Road, Philadelphia, Pa.

STATE OF PENNSYLVANIA, County of Philadelphia, ss:

Before me, the subscriber, a notary public for the Commonwealth of Pennsylvania, and residing in the city of Philadelphia, personally appeared Jacob M. Davis, who, being duly sworn according to law, did depose and say that the facts set forth in the within statement are true, to the best of his knowledge and belief.

JACOB M. DAVIS,
Sworn and subscribed to before me this 7th day of February, A. D. 1888.
[SEAL.] MATHIAS SEDDINGER,
Notary Public.

DISTRICT OF COLUMBIA:

On this 8th day of February, 1888, personally appeared before me, a notary public in and for the aforesaid District, Richard Emmons and Joseph M. Padgett, of Washington, D. C., who, being sworn, state as follows, viz: That they have been employed twenty-seven and thirty years, respectively, in the ordnance department of the Washington navy-yard; that they were employed in that department in the year 1877, when, by an order of the Secretary of the Navy (Thompson) the workmen, mechanics, and laborers employed in said yard were ordered to work ten hours a day to earn their daily wages; that said employes, in various ways, protested against the enforcement of said order; that affiants, with others, were delegated to present and protest to the Secretary of the Navy and to ask Congress to pass a resolution defining the meaning and intent of the national eight-hour law, which had been passed by Congress June 25, 1868, and which, during most of President Grant's Administration, had been enforced; that affiants, with other delegates from the Washington yard, and Jacob M. Davis, of Philadelphia, Pa., who represented the League Island yard and other yards, did present the case by way of protest to the Secretary of the Navy, and also presented the matter to Congress; that the House of Representatives did, in 1878, pass a favorable resolution on the subject, but that during the Administration of President Hayes no change of Secretary Thompson's order compelling the said employes to work ten hours per day until the order of Secretary Chandler fixing the time of a day's work at eight hours; further affiants saith not.

RICH'D EMMONS. [SEAL.]
JOS. M. PADGETT. [SEAL.]
Sworn to before me on the above date.
[SEAL.] HOWARD O. EMMONS,
Notary Public.

DISTRICT OF COLUMBIA, County of Washington, ss:

I, Edward H. Rogers, being duly sworn, do depose and say that I am a citizen of the State of Massachusetts, residing in the city of Chelsea, in said State; that I am temporarily in the city of Washington, D. C.; that I am a ship-joiner by trade; that I have worked in the navy-yard at Charlestown, Mass., at intervals for twenty-six years now last past; that I am here as the representative of the workmen of said navy-yard who have claims for overtime under the eight-hour law.

I further state that on or about March 1, 1878, at Charlestown, in the said State, a meeting of the employes of the Government in said yard was held for the purpose of sending a delegate or representative to Washington to protest to the officers of the Government here against the action of the commandant of the yard in requiring the men to work ten hours per calendar day without increase of pay, when, by the act of June 25, 1868, they were only required to work eight hours for a full day's work, and to take such measures as would secure the enforcement of the eight-hour law.

I further state that I was secretary of that meeting; that Mr. Samuel C. Hunt, of Charlestown, Mass., an employe of the yard, was chosen as a delegate to perform that service; that he proceeded to Washington on or about the 9th day of the same month for that purpose, and worked diligently to that end for nearly three months, and that I assisted in raising some \$300 to pay his expenses on that business and maintain his family.

I further state that he, in company with delegates from the other yards, had several interviews with the Secretary of the Navy, but that they were unsuccessful, as the increased hours were continued without corresponding payment during the five summer seasons from 1875 to 1882, inclusive. An interview which the delegation had with President Hayes brought no relief, and they finally turned their efforts towards Congress.

It further appears that a joint resolution declaratory of the intention of Congress concerning the eight-hour law passed the House of Representatives through their action on May 9, 1878. It declared that "eight hours should constitute a day's work" and that "no reduction should be made in the wages on account of the reduction of the hours of labor." Pending its consideration by the Senate Mr. Hunt returned to his home, the other delegates doing the same, with the exception of Mr. Jacob M. Davis, the delegate from the League Island yard. Mr. Davis remained in Washington as the authorized agent of naval stations and arsenals of the whole country.

EDWARD H. ROGERS.

Subscribed and sworn to before me this 10th day of February, 1888.
[SEAL.] FRANK T. RAWLINGS,
Notary Public.

The following matter was also filed before the committee:

"Now as to the amount involved in case this bill should pass. Of course we have no basis upon which we can estimate or base the amount with any positive degree of accuracy. But the act of Congress approved May 8, 1872 (see U. S. Stat. at Large, page 134), provided for the payment of all sums deducted from the pay of laborers, workmen, and mechanics in consequence of the reduction in the hours of labor from the 25th day of June, 1868, until the 19th of May, 1869, a period of eleven months and twenty days; and, according to the estimate of the Third Auditor of the Treasury, it took about \$300,000 to pay the men for that period. (See official letter of that officer to Senator Harvey, of Kansas, dated February 25, 1875, in reply to an inquiry as to the amount involved in the passage of a similar bill to this, then pending in the Senate.)

"Taking this sum as the basis for the period of, say, one year (for it is within ten days of that time), and supposing that about the same number of men were employed by the Government during that year as have been on an average for the period since that time in which these parties claim pay, which is six months in each year from July, 1877, to the 1st of January, 1884, a period aggregating four years (see the order of Secretary Thompson, under President Hayes, dated June 30, 1877), and it would require about \$1,200,000. But according to the statement of the Auditor there had been but \$22,063.75 paid up to the 25th day of July, 1875, a period of nearly three years after the passage of the act authorizing payment as aforesaid; and the strong probability is that not one-half of that sum has ever been paid out on those claims.

"From this we may reasonably say that should this bill pass not half of the claims would be presented within the period named in the bill for presenting these claims. But suppose it takes double or treble that amount, what has the amount to do with it if the claim is a just one? And it must be borne in mind that these claimants are not asking Congress to determine the justness of their claims; they only ask what is almost universally granted to capitalists and corporations, and that is that they may go before a competent tribunal and prove the justness of their claims if they can.

"One other matter as to the facts in the case. The eight-hour law was passed on the 25th of June, 1868, but was entirely ignored by the officers of the Government who had charge of the employment of the men named in the act, either by requiring them to work ten hours to earn their daily wages, or submit to a reduction of their wages to correspond with the reduction in the hours of labor if they only worked eight hours per day. This state of things went on until the 19th of May, 1869, when President Grant issued his proclamation prohibiting any reduction of pay in consequence of the reduction of the hours of labor; and still things went on in the same way until 11th of May, 1872, when the President issued a second proclamation calling attention to the first and repeating it.

"Meantime complaint was made to Congress, petitions were sent in, and bills were introduced with the view of restraining the officers of the Government from violating the law, which finally resulted in the passage of section 2 of the act making appropriations for that current or fiscal year, requiring the accounting officers of the Treasury to settle with the men, and to pay them all sums which had been withheld from them in consequence of the reduction of the hours of labor between the 25th day of June, 1868, the date of the passage of the eight-hour bill, and the 19th day of May, 1869, the date of the President's first proclamation, a period, as before stated, of about eleven months and twenty days; but this act made no provision for payment of the sums withheld from the date of the President's proclamation to the passage of the act, to wit, from the 19th day of May, 1869, to the 18th of May, 1872. But during this time General Grant enforced the law in the different navy-yards of the United States, so that from the date of his first proclamation to the end of his administration the employes of the navy-yards were only required to work eight hours to earn their daily wages. But on the coming in of the Administration of President Hayes, Secretary Thompson, Secretary of the Navy, issued the following order, dated, as will be seen, on the 30th day of June, 1877:

[General Order, No. 227.]

"NAVY DEPARTMENT, Washington, June 30, 1877.

"The following decision of the Supreme Court of the United States is published for the information of the Navy:

"Under this construction of the law regulating public labor, given by the Supreme Court of the United States, the Department has fixed the rate of labor for mechanics, foremen, leading men, and laborers on the basis of ten hours a day. All workmen electing to labor only eight hours per day will receive a proportionate reduction of their wages.

"R. W. THOMPSON,
Secretary of the Navy.

"Thus requiring the superintendents of different navy-yards to employ the men on the basis of ten hours for each day's work, and if the men chose to

work two hours less they were to receive less wages. Under this order the men were employed until the 21st of March, 1878, when this order was rescinded or revoked, and the following order was issued:

"[Circular No. 8.]

"NAVY DEPARTMENT, Washington, March 21, 1878.

"The following is hereby substituted, to take effect from this date, for the circular of October 25, 1877, in relation to the working hours at the several navy-yards and shore stations:

"The working hours will be, from March 21 to September 21, from 7 a. m. to 6 p. m.; from September 22 to March 20, from 7.40 a. m. to 4.30 p. m., with the usual intermission of one hour for dinner.

"The Department will contract for the labor of mechanics, foremen, leading men, and laborers on the basis of eight hours a day. All workmen electing to labor ten hours a day will receive a proportionate increase of their wages.

"The commandants will notify the men employed, or to be employed, of these conditions, and they are at liberty to continue or accept employment under them or not.

"R. W. THOMPSON,
"Secretary of the Navy.

"So that it will be readily seen that under the last-named order the Government hired the men on a basis that eight hours constituted a day's work, and agreed if they worked ten hours per day it would pay them a corresponding increase of wages. Now, the fact is that the men did work ten hours per day until the date of the following order:

"[Circular to the yards.]

"NAVY DEPARTMENT, Washington, March 23, 1883.

"The Department confirms its telegram to you of the 20th instant, which was in the following words: 'Continue the present eight hours of labor until otherwise ordered.'

"The hours of labor should be from 8 to 12 m. and from 1 to 5 p. m.

"W. E. CHANDLER,
"Secretary of the Navy.

"And that they have never been paid a single dollar of increase on account of such overwork, and now they ask to go to the Court of Claims and establish their claims. As it has been before stated, those men only worked half of the year under the orders of June 30, 1877, and of March 21, 1878, ten hours a day. They worked from the 21st of September to the 21st of March eight hours per day, and were paid the price of a day's work on the basis named in the order, namely, that of eight hours; but they then worked from the 21st of March to the 21st of September ten hours a day without increase of pay, although the honorable Secretary of the Navy, in the order above named, specifically agreed that they should be paid a corresponding increase whenever they worked ten hours per day. So that it appears that the order of the honorable Secretary was entirely ignored by the officers having the work in charge, and the Government owes these men by special agreement for this overwork in all these cases named."

Mr. INGALLS. It is understood that nothing but private pension bills which are not objected to are to be considered to-day.

Mr. SHERMAN. And that immediately after they are concluded we proceed to the consideration of executive business.

Mr. BLAIR. I call the attention of the Senator from Kansas. Is it understood that the pending bill will be the unfinished business?

Mr. INGALLS. Oh, certainly.

Mr. PLATT. I should like to understand a little about this agreement. One bill which has gone over on the Calendar I suppose I shall be at liberty to call up?

Mr. INGALLS. Is it under Rule VIII?

Mr. PLATT. No, it went over under Rule IX.

Mr. INGALLS. Then it must be considered some other day.

Mr. PLATT. Then I object.

The VICE-PRESIDENT. The Chair understands the agreement would give consideration to unobjected pension bills on the Calendar.

Mr. INGALLS. The Senator from Connecticut objects, and that disposes of the pension bills.

EXECUTIVE SESSION.

Mr. SHERMAN. I renew my motion for an executive session.

The VICE-PRESIDENT. The Senator from Ohio moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifteen minutes spent in executive session the doors were reopened, and (at 4 o'clock and 5 minutes p. m.) the Senate adjourned until Monday, September 29, 1890, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate the 27th day of September, 1890.

COLLECTOR OF INTERNAL REVENUE.

William Wallace Rollins, of North Carolina, to be collector of internal revenue for the fifth district of North Carolina, in place of John B. Eaves, who was commissioned during a recess of the Senate, and to whose appointment the Senate has refused to advise and consent, and whose commission will expire on the adjournment of the Senate.

SURVEYOR OF CUSTOMS.

John F. Rector, of Illinois, to be surveyor of customs for the port of Cairo, in the State of Illinois. Office created by act of Congress approved September 4, 1890.

COLLECTOR OF CUSTOMS.

Ezra B. Bailey, of Connecticut, to be collector of customs for the district of Hartford, in the State of Connecticut, in place of Charles C. Hubbard, to be removed.

PROMOTIONS IN THE NAVY.

Commander Edwin C. Merriman, to be a captain in the Navy, from the 31st July, 1890, *vice* Capt. Robert Boyd, deceased.

Lieut. Commander George C. Reiter, to be a commander in the Navy, from the 31st July, 1890, *vice* Commander E. C. Merriman, promoted.

Lieut. Frederick M. Symonds, to be a lieutenant-commander in the Navy, from the 31st of July, 1890, *vice* Lieut. Commander George C. Reiter, promoted.

Lieut. Clifford J. Boush, junior grade, to be a lieutenant in the Navy, from the 31st of July, 1890, *vice* Lieut. F. M. Symonds, promoted.

Ensign Thomas W. Ryan, to be a lieutenant, junior grade, in the Navy, from the 31st of July, 1890, *vice* Lieut. C. J. Boush, junior grade, promoted. (Subject to the examinations required by law.)

WITHDRAWAL.

Executive nominations withdrawn by the President September 27, 1890.

Eugene Schnyler, to be agent and consul-general of the United States at Cairo, he having died since his nomination was delivered to the Senate.

CONFIRMATIONS.

Executive nominations confirmed by the Senate September 26, 1890.

TERRITORIAL OFFICERS.

Francis L. Daggett, of Utah Territory, to be judge of probate in Washington County, in the Territory of Utah.

Jacob Johnson, of Utah Territory, to be judge of probate in San Pete County, in the Territory of Utah.

Henry Shields, of Utah Territory, to be judge of probate in Summit County, in the Territory of Utah.

Thomas S. Watson, of Utah Territory, to be judge of probate in Wasatch County, in the Territory of Utah.

Hector W. Haight, of Utah Territory, to be judge of probate in Davis County, in the Territory of Utah.

Charles A. Herman, of Utah Territory, to be judge of probate in Tooele County, in the Territory of Utah.

Charles Foote, of Utah Territory, to be judge of probate in Juab County, in the Territory of Utah.

Stephen V. Frazier, of Utah Territory, to be judge of probate in Rich County, in the Territory of Utah.

William Goodwin, of Utah Territory, to be judge of probate in Cache County, in the Territory of Utah.

Executive nominations confirmed by the Senate September 27, 1890.

ENVOYS EXTRAORDINARY AND MINISTERS PLENIPOTENTIARY.

E. Burd Grubb, of New Jersey, to be envoy extraordinary and minister plenipotentiary of the United States to Spain.

Edwin H. Conger, of Iowa, to be envoy extraordinary and minister plenipotentiary of the United States to Brazil.

TERRITORIAL PROBATE JUDGE.

Lewis B. Kinney, of Utah Territory, to be judge of probate in Sevier County, in the Territory of Utah.

INDIAN AGENT.

Isaac A. Beggs, of Arcata, Cal., to be agent for the Indians of the Hoopa Valley agency in California.

RECEIVER OF PUBLIC MONEYS.

S. Perry Youngs, of Stanton, Mich., to be receiver of public moneys at Grayling, Mich.

REGISTER OF THE LAND OFFICE.

Oscar Palmer, of Grayling, Mich., to be register of the land office at Grayling, Mich.

UNITED STATES ATTORNEY.

Fremont Wood, of Idaho, to be attorney of the United States for the district of Idaho.

POSTMASTERS.

Albert C. Hotchkiss, to be postmaster at Adel, in the county of Dallas and State of Iowa.

John R. Palmer, to be postmaster at Westport, in the county of Fairfield and State of Connecticut.

Samuel Mullen, to be postmaster at Bessemer, in the county of Jefferson and State of Alabama.

Sidney L. Winter, to be postmaster at Woodbine, in the county of Harrison and State of Iowa.

Alonzo B. Pearsall, to be postmaster at McGregor, in the county of Clayton and State of Iowa.

Valentine S. Nelson, to be postmaster at Lyons, in the county of Clinton and State of Iowa.

Jacob M. Harman, to be postmaster at Shelton, in the county of Buffalo and State of Nebraska.

George P. Huckleby, to be postmaster at Rich Hill, in the county of Bates and State of Missouri.

Louis L. Campbell, to be postmaster at Northampton, in the county of Hampshire and State of Massachusetts.

Mrs. Frances J. M. Sperry, to be postmaster at Georgetown, in the county of Georgetown and State of South Carolina.

Charles B. Woolley, to be postmaster at Long Branch City, in the county of Monmouth and State of New Jersey.

Benjamin A. Lee, to be postmaster at Keyport, in the county of Monmouth and State of New Jersey.

John S. Snook, to be postmaster at Caldwell, in the county of Burleson and State of Texas.

George F. Hannay, to be postmaster at Bastrop, in the county of Bastrop and State of Texas.

Helen A. Conger, to be postmaster at Waco, in the county of McLennan and State of Texas.

Perry C. Wilder, to be postmaster at Evansville, in the county of Rock and State of Wisconsin.

Charles A. Kirkham, to be postmaster at Augusta, in the county of Eau Claire and State of Wisconsin.

Roger W. Halburd, to be postmaster at Hyde Park, in the county of Lamoille and State of Vermont.

HOUSE OF REPRESENTATIVES.

SATURDAY, September 27, 1890.

The House met at 12 o'clock m. Prayer by Rev. J. H. CUTHBERT, D. D.

The SPEAKER. The Clerk will cause the proceedings of the Journal of yesterday to be read.

Mr. MCKINLEY. Mr. Speaker, I ask unanimous consent to dispense with the reading of the Journal and that the same may be approved with the understanding that errors, if any, may be corrected hereafter by members. I do that, Mr. Speaker, for the purpose of giving more time to-day for the consideration of the conference report on the tariff bill.

The SPEAKER. The gentleman from Ohio [Mr. MCKINLEY] asks unanimous consent that the reading of the Journal may be dispensed with and that it may be approved, with the right of any gentleman to make correction hereafter if necessary.

Mr. TURNER, of Georgia. Mr. Speaker, I believe that I shall have to object to that request.

The SPEAKER. Objection is made. The Clerk will cause the Journal of yesterday's proceedings to be read.

The Journal of the proceedings of yesterday was read and approved.

THE REVENUE BILL.

Mr. MCKINLEY. Mr. Speaker, I call up the conference report on the tariff bill.

Mr. McMILLIN. Mr. Speaker, I asked for the reading of the report yesterday evening, in order to get the statement before the House if I could, but in the mean time it has been printed in the RECORD. The statement was not reached in the House yesterday, so I do not wish to compel the House to take up time in the reading of the report, and I will not insist thereon.

The SPEAKER. The gentleman from Tennessee [Mr. McMILLIN] withdraws the objection he made last evening. Is there further objection? [After a pause.] The Chair hears none. The further reading of the report will be dispensed with.

Mr. MCKINLEY. Mr. Speaker, I desire to announce at this time that upon this side of the House there is no desire to occupy more than one hour in debate, so far as the presentation from our standpoint is concerned; but we desire to accommodate, as far as possible, the other side; and if entirely agreeable to gentlemen, my associate conferees, I will suggest that at half past 5 to-day a vote be had upon this bill. That gives us five hours of debate. I propose to give to the other side three hours out of the five hours, and to reserve two for this side, if that is satisfactory.

Mr. DUNNELL. Mr. Speaker—

Mr. McMILLIN. Mr. Speaker, as I stated yesterday, I do not think the time that is proposed by the gentleman from Ohio is sufficient for the discussion of this measure. It was not discussed in Committee of the Whole after it came back from the Senate, and it involves reciprocity and other provisions never discussed in the House. I think that the time proposed is an unreasonable time. Of course the gentleman from Ohio has the power to fix the time and to call the previous question when he desires. If he insists, however, on a vote this evening, I will suggest to him to fix the hour at 6 o'clock in place of half past 5 o'clock, which will give half an hour more time.

Mr. MCKINLEY. I desire to say that to accommodate the gentleman we will extend the hour to 6 o'clock and take the vote at that time.

Mr. DUNNELL. Mr. Speaker—

Mr. McMILLIN. And what division will the gentleman propose of that additional time?

Mr. MCKINLEY. Of the five hours and a half we will give to the gentleman three hours and a half.

Mr. DUNNELL. Mr. Speaker, I do not think it right—

Mr. McMILLIN. We do not of course think that a sufficient time. There are a number of gentlemen who want to discuss it who will be cut off; but of course we would prefer that length of time to a shorter time.

Mr. MCKINLEY. Mr. Speaker, I ask unanimous consent for leave to print on this report.

Mr. DUNNELL. Mr. Speaker, I have been recognized once. I wish to know why I have been taken off the floor.

The SPEAKER. The gentleman from Ohio has the floor.

Mr. DUNNELL. He has introduced a second subject.

Mr. MCKINLEY. I yield to the gentleman from Minnesota [Mr. DUNNELL].

Mr. DUNNELL. I addressed the Chair in my own right. The gentleman from Ohio has said that it was generally understood on this side that we would take less than one-half of the time. I simply rise to object to a new division of time on this bill. I think we should take time enough and that one-half of the time should be given to this side.

Mr. McMILLIN. We will be entirely willing to have that arrangement, Mr. Speaker. I have said all along that I do not think the vote ought to be taken before Monday. I concur in what the gentleman from Minnesota [Mr. DUNNELL] says—that the time is too short.

Mr. MCKINLEY. If the gentleman from Minnesota [Mr. DUNNELL] seriously objects to the arrangement I have proposed, we will try and arrange in some way to give the gentleman as much of the two hours and a half as he desires. Some of us will take the floor and yield to him.

The SPEAKER. Is there objection to the proposition to take a vote at 6 o'clock?

Mr. McMILLIN. We do not wish to consent to the taking of the vote then. We think the time is unreasonable and too short, and I think it was never contemplated until yesterday that it should be limited to such a short period. The gentleman, however, can proceed—

The SPEAKER. Unless there is unanimous consent that will involve two votes.

Mr. MCKINLEY. Do I understand that the gentleman does not accede to my proposition? Do I understand the gentleman from Tennessee [Mr. McMILLIN] to decline to accede to my proposition?

Mr. McMILLIN. I do not wish to consent to a limitation of the debate; and this is a limitation.

The SPEAKER. The gentleman suggested 6 o'clock. That is his suggestion, as I understand.

Mr. McMILLIN. I stated that while we were unwilling that the vote shall be taken to-day, that if this bill should be forced through to-day we prefer 6 o'clock to half past 5.

Mr. MCKINLEY. Is it understood that 6 o'clock shall be fixed as the time to take the vote on this conference report? I understood that at 6 o'clock we are to take a vote on this conference report.

The SPEAKER. Is that the understanding—that at 6 o'clock the vote be taken?

Mr. McMILLIN. I do not consent, Mr. Speaker, to any limitation upon the debate. The gentleman has his remedy, however.

The SPEAKER. His remedy would be to demand the previous question, which would require two votes.

Mr. McMILLIN. We do not think that the limitation placed upon this debate such as ought to be made on a matter involving so much as this bill does, and we do not want to be put in the position of acquiescing in that limitation.

The SPEAKER. The suggestion of the gentleman from Ohio is that the time which would be occupied in ordering the previous question be given for debate.

Mr. MCKINLEY. Will the gentleman consent that the previous question shall be considered as ordered at 6 o'clock?

Mr. McMILLIN. That is the same as the other, presented in a different form.

Mr. MCKINLEY. Then I give notice that at half past 5 o'clock I shall call for the previous question upon this report.

Mr. ALLEN, of Mississippi. Will the chairman of the Committee on Ways and Means listen to a suggestion?

Mr. MCKINLEY. How much time does the gentleman want?

Mr. ALLEN, of Mississippi. We are to have an election soon, and I suggest that this question be submitted to the people—

Mr. MCKINLEY. I can not yield.

Mr. ALLEN, of Mississippi. I wish to suggest to the chairman of the Committee on Ways and Means that as we are to have a national election soon, that we let this bill go over until after the election; and if the people endorse it I will withdraw my opposition to it. This is a proposition that came from your side two years ago, and your Speaker said it ought to be accepted.

Mr. MCKINLEY. Mr. Speaker, an agreement was reached by the committee of conference after ten days of most careful and patient consideration. The bill which the House of Representatives passed last May, containing nearly four thousand items, was amended by the

Senate in four hundred and fifty-five particulars. More than one hundred of these amendments were purely verbal, a change of the number of a section or the transposition of a paragraph or a word. A number of the amendments were serious and substantial, showing a wide and what seemed to be an almost irreconcilable difference. By far the larger number of amendments, however, were so slight and unimportant that an agreement was quickly reached.

In the first schedule, that of chemicals, the differences were unimportant, and in most instances the House receded from its provisions included in that schedule and accepted the Senate rates. Sulphuric acid for agricultural purposes, which had been put upon the dutiable list by the House, has been transferred to the free-list by the conferees as provided in the Senate amendments.

We come to the next schedule, that of earthenware and glassware. The rates passed by the House and amended by the Senate were retained by the conferees, so that the duty on decorated pottery and decorated china will be 60 per cent., and upon plain earthenware 55 per cent., which will encourage this industry to a higher development and eventuate in giving the home producers a larger share of the home market than they now enjoy and a resultant benefit in lower prices to the consumer.

In the glassware schedule slight reductions were made from the rates fixed by the House and much in advance of those fixed by the Senate, but they are believed to be such as will in no way interfere with this great and valuable industry, and will be found a vast improvement over present rates and classification.

METALS.

The metal schedule, which occupies twenty-five pages of the bill, has received earnest consideration, because of the importance of the great industries it represents. All shades of opinion relating to its details have been carefully considered, and every effort has been made to reconcile the claims of conflicting interests and the conflicting claims of various sections of our country. No tariff bill was ever framed that was not largely made up of compromises, and the present metal schedule is an illustration of this truth. It is confidently believed that upon examination it will be found to be fully protective of every branch of our iron and steel industries. There may be disappointment over some of the rates which have been adopted, but the sober second thought will be one of satisfaction that so much has been done that is good and so little has been done that is likely to produce even temporary inconvenience.

Nothing has been done in the metal schedule that can result in loss of business or prestige, and nothing that can call for a reduction of wages or a diminution of the number of workmen employed. On the contrary, there is every reason to believe, and I do believe, that the new metal schedule will largely increase the demand for all our iron and steel products, and that consequently it will largely increase the demand for labor, and especially for highly skilled labor. I believe further that the metal schedule which is now submitted is the most harmonious and the most surely protective of any metal schedule of this generation.

Looking at the details of this schedule as it has finally been adopted, and without confining our attention exclusively to the amendments proposed by the Senate, it will be found that we have retained iron ore and pig-iron, also scrap-iron and scrap-steel, all of which are sometimes erroneously called raw materials, at the same rates which are found in the present tariff. To have reduced the duties on iron ore and pig-iron would have encouraged the importation of foreign ore and foreign pig-iron, for which there would have been no excuse, as we need to encourage the development of new iron-ore fields, and can now produce and are producing all the pig-iron we need, except a small quantity of spiegeleisen, and our production of this kind of pig-iron is constantly increasing. If we had reduced the duty on scrap-iron and scrap-steel we would have interfered with the prosperity of our pig-iron industry, scrap-iron and scrap-steel being substitutes for pig-iron.

The duties on the various forms of bar iron, which is the product almost exclusively of hand labor, and not of the labor-saving machinery which has worked such wonderful revolutions in other branches of the world's iron and steel industries, have been retained substantially as they are in the present tariff. Such slight reductions as have been made will not in the least encourage the importation of foreign bar iron.

The duty on all forms of structural iron and steel has been reduced from \$29 per ton to nine-tenths of 1 cent. per pound, or \$20.16 per ton. This is the rate which was embodied in the House bill, and while it is nearly \$8 per ton less than the rate in the present law it is \$2.24 per ton higher than the rate proposed by the Senate, which reduction we were convinced was too sweeping. The rate which we have adopted will sufficiently protect our manufacturers of structural iron and steel. The production of these articles has become a great national industry, consuming annually large quantities of iron ore and pig-iron and employing directly many workmen. This industry has been built up under the present protective duty, but it is no longer necessary that the whole of this duty should be retained.

The paragraph relating to boiler or other plate iron or steel has been changed in the conference committee by adopting a new classification for all iron and steel plates valued at 2 cents per pound or

less. All plates valued at 1 cent per pound or less, and thicker than No. 10 wire gauge, are to be subject to a duty of five-tenths of 1 cent per pound; valued above 1 cent and not above 1.4 cents, the duty is to be sixty-five one-hundredths of 1 cent per pound; valued above 1.4 cents and not above 2 cents the duty is to be eight-tenths of 1 cent per pound. These are reductions on a uniform rate of 1 cent per pound which was embodied in the House bill, which rate we are convinced was too high upon the lower grades of plates. On all plates valued above 2 cents per pound the House rates have been retained. The new rates taken as a whole will afford much surer protection to our manufacturers of steel plates than the present duty of 45 per cent.

The duty on forgings of iron or steel has been reduced from the present rate two-tenths of 1 cent per pound, but a proviso has been added that no forgings shall pay a lower rate of duty than 45 per cent.

In the paragraph relating to hoop-iron we have included a proviso covering hoops for barrels and hoops and ties for baling purposes which will encourage the home production of these articles and check importations which have in recent years been so great as to seriously injure a worthy domestic industry, one which could not compete under a low duty with the cheap labor of women and children across the Atlantic. This proviso has been inserted partly in the hope that the South will now make at least a large part of its own cotton-ties, for the production of which it has abundant natural resources.

The duty on rails has been made to apply uniformly to all sizes and shapes of iron and steel rails. The rate adopted is \$12.44 per ton, which is a reduction on light rails of \$7 per ton, and on those of ordinary use of \$3.56 per ton. This reduction will not, however, impair the effectiveness for protection of the duty which is retained. Originally the duty on steel rails of standard sizes was \$28 per ton; but when the tariff of 1883 was framed this duty was reduced to \$17 per ton, the higher duty having accomplished the work for which it was designed, the building up of a great steel-rail industry, the first in the world. It has now been thought safe to still further reduce the duty on steel rails, in obedience to a wise policy which will not impose any higher duty than is needed to prevent injurious foreign competition.

With the march of invention and the increase of skill in the production of domestic steel rails it has been possible to reduce their cost since the passage of the tariff of 1883, although their manufacture is still burdened with heavy freight charges on the materials from which they are made, and on the rails themselves when shipped to points where they meet the competition of foreign rails which can be cheaply transported by ocean vessels. A lower rate of duty on steel rails than is now proposed would not encourage the erection of additional rail mills, which it is believed the proposed duty will do. The hope is indulged that, at least, we may soon see steel rails made on the shores of Lake Superior and on the Pacific coast.

The duty on steel sheets has been made specific, instead of ad valorem as in the present tariff. The new duty will be found to be more protective than the present duty, under which the importations of steel sheets have been very heavy. The duty on galvanized iron and steel sheets has been retained as it reads in the present tariff.

One of the best features of the metal schedule is the new rate which has been imposed on tin-plates. The present duty of 1 cent per pound has been found to be a revenue duty only, no tin-plate industry existing in our country to-day. The new rate of 2.2 cents per pound is absolutely necessary if we would have a tin-plate industry of our own, and that we should have such an industry will not be denied when the large sums of money we annually send abroad for tin-plates, and which might be kept in circulation among our own people, are considered. We can make our own tin-plates if given a chance. The new duty will not materially advance the cost of tin-plates to consumers after we make a beginning in their manufacture, while it is entirely certain that the quality of all the tin-plates used by our own people will be improved when foreign and domestic competitors meet in our markets. The new duty is not to go into effect until July 1, 1891, and it is provided that if the tin-plate industry shall not be established in this country by 1897 tin-plates shall then go on the free-list. On taggers iron an adequately protective duty is also provided, which the present tariff does not contain.

That feature of the bill which will provoke criticism, and it is the only one which will do this, is the paragraph relating to steel ingots, blooms, slabs, billets, etc. The rates agreed upon are lower than the rates provided in the House bill, and for which the House conferees earnestly insisted. Various propositions of compromise were submitted, but all were rejected by a majority of the Senate conferees. Unsatisfactory as the new rates are to the House conferees and to the manufacturers, they will nevertheless in the main afford better protection to these manufacturers than the present very unsatisfactory and injurious duty of 45 per cent, the new rates being specific throughout. Improved processes now everywhere employed in the manufacture of steel billets, slabs, etc., will, it is hoped, enable our manufacturers to compete successfully with foreign makers in our own markets.

The duty on wire rods has been left as it is in the present law, with the exception that it is made to cover smaller sizes than are

now specifically provided for. The duties on wire have also been retained substantially as they read in the present law.

The duty on anvils has been slightly increased to enable our people to make their own anvils, which are now largely imported. The duty on anchors has been slightly reduced. The duty on axles has been reduced half a cent per pound. Many other reductions have been made in minor iron and steel products when this could be done without injury to home industries. The duties on cutlery have been increased to meet the continually increasing undervaluations and other frauds of foreign manufacturers. The duty on nickel has been reduced, and nickel ore and nickel matte have been placed on the free-list, because after a long period of protection it has been found that we need to go abroad for a large part of our supply of this useful metal. Aluminum, a new metal, is provided for at rates which it is believed will afford ample protection to those who may engage in its manufacture.

The duties on copper are reduced, while those on lead and zinc are retained as in the present law with slight change.

It is not necessary to examine the metal schedule further. It will be found, on full examination, to embody features of great value to our iron and steel manufacturers, while carefully respecting the interests of consumers.

THE WOOD SCHEDULE.

In the wood schedule, Mr. Speaker, the Senate rates were lower than the House rates on all kinds of lumber. The House conferees consented to a reduction of from \$2 to \$1 per thousand on white-pine boards and a proportionate reduction on white-pine clapboards and shingles, also to a duty of 20 per cent. on telegraph and telephone poles and railroad ties.

WOOL, WOOLENS, AND AGRICULTURAL PRODUCTS.

The woolen schedule as it left the House was amended in only two or three particulars by the Senate, and these two or three particulars were necessary to make the bill in all of its provisions logical. It will be remembered that we lost in the House two amendments that were offered by the Committee on Ways and Means as to worsted yarns and worsted cloths. They were lost by a very small vote. That side of the House voting solidly against the amendments, with a few on this side, gave, when the House was not full, a majority against the committee amendments.

As I stated then, the rates proposed by the committee were necessary, and the Senate, when the bill passed to its consideration, immediately accepted those rates. With these exceptions the wool and woolen schedules are precisely as they passed the House of Representatives.

I beg to say in passing that the rates given upon wool and woollens are assuredly protective. They correct the wrong against these industries inadvertently committed in the tariff of 1893. They will help every farmer of the country who owns sheep, and will enable the manufacturers of woolen goods to better compete with their foreign rivals. This schedule has the hearty approval of the National Wool-Growers' Association and of the several State associations throughout the country.

And, Mr. Speaker, that is entirely true also of the tobacco schedule. In the cotton schedule there were some few changes, none of them, however, very important. They will be noticed by gentlemen who have the bill before them. With these exceptions the rates which passed the House have been maintained by the conferees, and are so reported.

As to agricultural products, to which the Committee on Ways and Means and this House gave very careful attention, this bill has given for the first time to agriculture distinctively a place in the tariff. All of the rates, I believe with one single exception, that were fixed by the House were either adopted by the Senate, or, if not adopted by the Senate, the Senate conferees yielded to the House rates.

The duties on agricultural products have been increased, and the same meed of protection has been afforded the farm as the factory. These rates were fixed after the fullest consultation with the representatives of the farming interests of the country, whose voice almost for the first time in the history of tariff legislation has been heard and heeded in the House of Representatives.

On manufactures of flax there was a very wide difference between the Senate and the House. The House, as gentlemen will remember, increased the duties upon flax and flax products to the end that we might inaugurate and establish a great industry in this country which would use our own fibers as well as foreign fibers, and we made the duties high enough, as we believed, to protect our people while they were engaged in establishing that industry. The Senate cut down the House rates in every particular, from the raw material up to the finished product. In conference a compromise agreement was reached very considerably above the Senate rates, although somewhat below the House rates, but sufficient, it is believed by the committee of conference, to enable our people at an early day to successfully and profitably manufacture all the coarser articles of flax that are so largely consumed in this country, and at no distant day manufacture the finer ones, which are now exclusively imported. This industry will require larger capital, and when established will furnish a larger demand for skilled and unskilled labor.

On silk, which is the next schedule, the rates of duty were made

specific in the House bill, about equivalent to the ad valorem rate under existing law. The Senate struck out the provision fixing specific rates and substituted the old rate of 50 per cent. To that amendment the House conferees yielded concurrence.

The paper schedule is the next in order, and it is practically the same as passed by the House. Not a single important change, I believe, was made in that schedule except that we dissented from the provision of the Senate bill and gave to albumenized and sensitized paper a duty of 35 per cent., and also laid a duty on tissue paper.

SUGAR FREE.

On the sugar schedule, which is the one over which there was the most serious contention, the conferees, after a long struggle, finally reached an agreement. The House bill provided that all sugars up to and including No. 16 Dutch standard in color, of which I hold a sample in this bottle in my hand—that all sugars up to that line should be admitted free of duty, and provided also that all sugars above No. 16 should pay a duty of four-tenths of 1 cent per pound.

That was to compensate for the difference in the labor-cost of refining in this country and the labor-cost of refining in competing countries. It was in that shape that our bill went to the Senate. The Senate struck out No. 16 as the line of free sugar and inserted No. 13, which is the color of the sugar in the bottle which I now hold in my hand. The difference between these two sugars, No. 16 Dutch standard and No. 13, will be noticed by every gentleman present. The former is a yellow sugar fit for use, and the latter wholly without any domestic use. The Senate made No. 13 free, and provided that sugar above No. 13 up to No. 16 should be dutiable at three-tenths of a cent per pound, and all above No. 16 at six-tenths of a cent per pound.

The first great struggle was over this dividing line; the Senate insisting that free sugar should be limited to this color (No. 13), a sugar which could not be used for domestic purposes, and which is so impure that it never would go into anybody's family. The House, on the other hand, insisted that sugar should be free up to No. 16 Dutch standard, which is the sugar that we used in our boyhood, and which, in case of excessive prices for refined sugar, would serve as a regulator to keep down the price, and if necessary be freely used for domestic purposes. It was on this line that the greatest controversy arose. Finally the Senate conferees yielded and agreed that sugar up to and including No. 16 Dutch standard should be free. As I have already said, the House rate of duty upon sugar above No. 16 was four-tenths of a cent per pound. The Senate rate was six-tenths of a cent per pound, and we finally made a compromise rate fixing it at five-tenths of 1 cent per pound upon all sugars above No. 16, and an additional rate of one-tenth of 1 cent per pound upon all sugars coming from countries where an export bounty is paid to the domestic producer. That, Mr. Speaker, is the agreement that was finally reached between the conferees of the House and the conferees of the Senate on sugar.

I beg to call the attention of the House for a moment to the present law in relation to sugar. All sugar not above No. 13 Dutch standard, testing by the polariscope not above 75 degrees, pays a duty of 1.4 cents per pound under existing law. In the bill which passed the House of Representatives of the Fiftyeth Congress, commonly known as the "Mills bill," the duty upon all sugar not above No. 13 Dutch standard was fixed at 1.15 cents per pound. The duty under existing law upon all sugars above No. 13 and not above No. 16 Dutch standard in color is 2½ cents per pound. In the Mills bill it was made 2.2 cents per pound. All sugar above No. 16 and not above No. 20 Dutch standard in color is dutiable under existing law at 3 cents per pound. Under the Mills bill it was dutiable at 2.4 cents per pound. All sugar above No. 20 Dutch standard is dutiable under existing law at 3.5 cents per pound, and under the Mills bill it was dutiable at 2.8 cents per pound.

So, Mr. Speaker, it will be observed that up to and including No. 16 Dutch standard the report of the committee makes sugar absolutely free, and above that grade the conferees report a duty of five-tenths of 1 cent per pound, and one-tenth additional upon sugars of that grade from countries paying an export bounty. It is proper I should state as to countries paying an export bounty, that only 16 per cent. of that kind of sugar was imported last year. This leaves all the sugar of Great Britain and the British possessions, all the sugar of Cuba, above 16 Dutch standard, dutiable at five-tenths of 1 cent per pound. The sugars of France and Germany, Austria, Hungary, and Belgium would pay the additional one-tenth. It is believed that the burden put upon bounty-paid sugar imported here will influence the countries paying it to remove the export bounty, to the end that they may on equal terms compete with all other countries for this market.

PAINTINGS AND STATUARY.

Now, Mr. Speaker, upon the subject of art, the House placed paintings and statuary upon the free-list. The Senate restored the old duty of 30 per cent. and the conferees of the House and Senate have made art productions dutiable at 15 per cent.

BINDERS' TWINE.

One of the points of controversy between the House and the Senate was with reference to the article of binding-twine. The present duty upon binding-twine is 2½ cents per pound; the House bill made it 1½

cents a pound. The Finance Committee of the Senate raised our duty from $1\frac{1}{2}$ to $1\frac{1}{4}$ cents a pound and thus reported the bill to the Senate. The Senate after debate put binding-twine upon the free-list.

Therefore when we met in conference the Senate conferees insisted upon binding-twine being free, and the House conferees insisted upon the rate fixed by the House, a cent and a quarter a pound. After very long, patient, and full consideration of the whole subject, the conferees finally agreed to fix the duty at seven-tenths of 1 cent a pound.

Mr. GEAR. Is not that eighth-tenths of a cent less than the duty proposed by the Mills bill?

Mr. McKINLEY. I will state in this connection that the Mills bill made twine dutiable at 15 per cent. ad valorem, equivalent to $1\frac{1}{4}$ or $1\frac{1}{2}$ cents per pound. I wish to say further that in my judgment the duty fixed in this report is wholly inadequate; the duty ought not to have been made so low as seven-tenths of 1 cent. The great cordage interests of this country that have been built up and are being built up have cheapened twine to the consumer, and they would continue to do so if not broken down by foreign competition. But it was necessary, Mr. Speaker, in order to reach an agreement, that mutual concessions should be made; concessions had to be made on both sides.

In every other respect the bill was reasonably satisfactory; and we felt that we could not afford to come back to this House with a disagreement upon this one item, when everything else was agreed upon in deference to the demand from one end of this country to the other for a revision of the tariff upon the lines of protection and in accordance with the declaration of the Republican party. So we finally agreed upon a duty of seven-tenths of 1 cent per pound on binding-twine. I indulge the hope, however, that a future Congress, having discovered that this duty has been fixed altogether too low, will give a duty which will at least compensate for the difference between the labor-cost in the competing countries and the labor-cost in the United States. This at least should be done, if for no other reason than to protect and defend our own labor, and to this the Republican party is unalterably pledged.

We concurred in the adoption of the provision as to reciprocity, passed by the Senate, known as the "Aldrich amendment," which empowers the President, in the event equal and reciprocal advantages are not accorded to us by those countries producing sugar and coffee and hides, to proclaim the fact, and it is made his duty to do so, in which event the duties proposed in the bill as to these several articles are to be the duties thereafter to be collected against such countries. That is to say, coffee and hides have been on the free-list by our laws for many years, and now it is proposed to make sugar free in the interest of our people and by way of encouraging reciprocal trade relations on the part of the countries producing these articles. If these countries give nothing in return for this, then the President shall proclaim the fact, and upon such proclamation the duties herein provided for sugar, coffee, and hides will be put in operation.

We show by this bill our disposition to admit sugar free into the United States. We have already shown by the legislation of the past our disposition to admit coffee and hides free, from which, so far as reciprocal advantages are concerned, there has been no equality. This provision is added to the bill in the expectation that it will induce sugar-growing countries, coffee-producing countries, in return for this concession to admit our agricultural products free. It is believed by distinguished leaders of our party, to whose judgment and statesmanship we have always given the greatest weight, that large advantages will come from this provision, and all of us indulge the hope that the fullest expectation in this direction will be realized.

INTERNAL-REVENUE REDUCTIONS.

As to the internal-revenue sections I only wish to say that the provisions of the House bill have in substance been maintained by the conference committee. It will be remembered that we reduced the tax upon tobacco and snuff from 8 cents, which is the rate under existing law, to 4 cents. The Senate struck out all of our internal-revenue provisions—every paragraph and every line. But we have been enabled, Mr. Speaker, to secure a reduction of the tax from 8 cents to 6 cents a pound—a reduction of 25 per cent.—upon tobacco and snuff. We yielded the 4-cent reduction and agreed to fix the tax at 6 cents, and have provided for a rebate upon all unbroken packages.

So far as concerns special licenses to dealers, special taxes, and all those vexatious and annoying restraints which have been put upon the tobacco-grower, the tobacco-dealer, and the tobacco-trader, we wipe them all out; and over 650,000 citizens of the United States who have been paying these vexatious little taxes will, after the passage of this bill, be relieved from their payment.

We have also provided, Mr. Speaker, that the farmers, the growers of tobacco, in every part of this country shall be immediately relieved from all taxation and all burdens. This provision goes into effect at once, so that hereafter if this bill should become a law the farmers of the United States will be as free to sell their tobacco unrestrained by internal-revenue provisions as they are free to sell their wheat or their cotton or any other product of the farm.

The bill is protective in every paragraph, and American on every page. It recognizes in its fullness the great economic principle

which the Republican party has advocated so long, and which it holds so dear, and which has secured to this country an unexampled prosperity. This legislation is not an experiment; it has the approval of experience. Our present prosperity, our advance since 1860 in all that goes to make a nation strong and great and its people happy, contented, and progressive, bear testimony to the wisdom and patriotism of the great principle which underlies this bill.

So much has been said in the course of this debate here and elsewhere about export prices, claiming that the American manufacturer sells cheaper to the foreign trade than he does to the domestic trade, that I am induced to append hereto a statement prepared by the American Protective Tariff League which entirely disposes of the charge.

EXPORT DISCOUNTS—CHARGES AGAINST AMERICAN MANUFACTURERS REFUTED—FREE-TRADE JUGGLING EXPOSED.

The Australasian and South American, a leading export journal, says:

"An attempt has been made to sow seeds of discord and dissension between American manufacturers and the domestic purchaser. Certain newspapers, the foundation of whose inflated popularity lies in an unhealthy sensationalism, and who deal at wholesale in rumor and error, have been endeavoring to persuade American buyers of all kinds of goods that they pay more for them than the manufacturers are willing to sell them for abroad. To accomplish this result a juggling with figures was, doubtless, regarded as entirely legitimate, but we have good reason to believe that it will prove fruitless. American buyers know perfectly well that they are far and away the best customers the American manufacturer possesses, and that if any one is given an advantage they will benefit equally by it. Before they allow themselves to be led away into hasty condemnation of the manufacturing interests, they will, probably, inquire more closely into the matter and it will not take them long to discover that the entire sensation is founded on error and falsehood or a combination of both."

One of the stock arguments of free trade maintains that the markets of the world are essential to the prosperity of American industry, and that we can not have those markets so long as American labor and industries continue to be defended from foreign competition by a protective tariff.

The advocates of protection for American labor and industries have always maintained that by protection alone could it ever be possible for our manufactures to attain such magnitude and success as to permit their export to foreign countries in competition with the productions of foreign systems of labor.

The efforts now making by our manufacturers to force their way into foreign markets with their hardware and farm implements, and a great variety of other products, furnish complete proof of the validity of this argument for protection. They show conclusively that we are gaining rapidly in our power to compete with the low-paid labor of Europe without sacrificing the welfare of our working classes.

But it is alleged that the prices at which our American productions are offered to foreign buyers are lower than the prices at which they are quoted to buyers at home. The figures given in free-trade journals and speeches for comparison show that the prices advertised to foreign buyers are 5 to 50 per cent. below prices to American buyers. Inquiries among the manufacturers do not sustain this showing, but indicate that the home buyer gets in one way or another the same or greater advantages as the foreign buyer. Similar testimony is furnished by the exporters.

It may, however, be conceded that at times and under special conditions the foreign merchant may secure a special discount to offset some part of the cost of getting merchandise into foreign countries. The case of the Elgin Watch Company, quoted later on, shows how this may be done. But in this, as in other similar cases, the discount is not important and is for the merchant. The evidence is conclusive that the consumer abroad, in paying the original cost to the merchant, with profits and expenses added, uniformly pays a higher price than the American consumer.

The Engineering and Mining Journal explains how special export discounts may be made, not only without detriment to the domestic purchaser, but even to his pecuniary advantage:

"It would be unfair to say that our manufacturers should never make any difference between export and home prices, for it is evident they could afford to sell a surplus for export, even without profit, if they could get from the home market a living price, and by increasing production, which the foreign sales would permit, would reduce the cost of output. The home consumer is then interested in our manufacturers having a foreign outlet for their goods."

The American thus convincingly puts another case:

"If we offered the World a small fraction of a cent per copy above cost for 100,000 copies in excess of its usual issue, and satisfied it that we would so dispose of these copies by exportation as not to spoil its home market, it would embrace the offer eagerly, although it might be ruinous to sell its whole issue at that price. Nor would it admit that it was acting unfairly by its regular customers at home in making the bargain."

In a speech delivered in the House of Representatives, on May 9, the Hon. Geo. W. FITHIAN referred to a free-trade tract called Tariff Reform, published by the Reform Club, of New York, on April 15, containing lists of various manufactures, with prices attached thereto for "home market" and to "foreigners." The pamphlet in question is full of gross errors. Without exception, so far as investigations have gone, not one quotation of discount for "export" is greater than any respectable merchant can have for domestic trade. And in many instances the prices and discounts given are those at which the goods are freely offered for sale to small jobbers and large retailers throughout the United States. On page 65 of the tract is the following:

"The figures have been in every case obtained from the manufacturers themselves, and in most cases are based upon a comparison of three documents, the regular 'price-list,' the 'domestic discount sheet' to the trade, and the 'export discount sheet,' as furnished by each manufacturer."

Inquiry proves that the majority of the manufacturers of the goods in question have never been approached.

Said one of the most extensive New York dealers in all the articles mentioned after perusing the speech of Mr. FITHIAN, and an examination of Tariff Reform:

"I can only say that when I am unable to buy at less prices than stated in that list I shall have to give up shop. Why, there is not an article mentioned that I can not sell cheaper than they are priced there. The list is too long to go through entirely. I am not a manufacturer. I buy for cash every article, both for this and our other stores. I handle as much stuff in a month as any ten of the biggest exporters combined handle in a year. Does it stand to reason that these little fellows can buy at the price I do? No, and they can not buy any better than I sell to my customers, and in most instances I can and do sell cheaper than those export commission men ever bought at. Take that cutlery list. I tell you there is no manufacturer of that name in the country. That firm, put down as a manufacturer, is a small commission house down-town. They send out catalogues all over South America, soliciting orders, and they get some, too. Yet the trade papers publish them as manufacturers, and this is one of the firms that this lying pamphlet says it got its information from."

"I know who make every one of those knives, carry them all in stock, and sell

them from 5 to 20 per cent. less than is quoted by this so-called manufacturer. Commence with the first on the list. That is the regular iron handle table-knife. They quote \$10.70 per gross pair, 25 per cent. discount. The next is the best known table-knife in the country. It is numbered 1878 by everybody. This is listed at the same price. I am selling both of these now at \$4.25 per single gross, 5 per cent. discount, and 2 per cent. ten days; 1 per cent. twenty days, and forty days, net. They are sold retail at 50 cents per dozen. Go into any retail store and you can buy them at that price. These are the closest cut knives of the lot. I am selling all these others at much less prices than those quoted by this imaginary manufacturer. And it is the same with all other goods. Of course small buyers and retailers can not do as well as I can. Neither can they in any other country. But if there is an exporter who can go in and buy the same quantity lots as I do, he can buy just as cheap, but he can not do any better. Come in next week and I will go through the whole business and show what these free-traders are telling is wholly untrue."

The above is the verbatim statement of one who knows whereof he speaks, and whose veracity is unquestioned.

Acting on the advice given above, a boy was sent into a city hardware store and instructed to purchase one dozen table-knives, 1878. On application the clerk, without remark, handed the goods, with bill for 50 cents. They, and recompiled invoice, can be seen at any time on application at the office of the Economist.

The Miller Brothers' Cutlery Company, Meriden, Conn., are the largest pocket-cutlery and steel-pen manufacturers in the United States. In an interview with Mr. William F. Rockwell, treasurer and manager, he states that he is prepared to permit a thorough examination of the books and accounts of his company, which will prove that, so far as they are concerned, the statements made are false in every respect. He supplemented his verbal remarks with the following communication:

"MILLER BROTHERS' CUTLERY COMPANY,
Meriden, Conn., June 12, 1890.

"DEAR SIR: I beg to say that this company has never sold cutlery or pens for export at a lower price, or given a greater discount, than for home trade. All statements to the contrary are unqualifiedly false.

"WM. F. ROCKWELL,
Treasurer and Manager."

The principal manufacturers of table cutlery, located in the States of New York, Connecticut, and Massachusetts, positively confirm the statements made above, and prove their truth by the daily entries in their books. They state that not only do they not give extra discount for export, but that prices have been brought down to so low a point, by foreign and domestic competition, that although they are desirous to foster and build up an export trade, they are utterly unable to quote lower than for the home market, and never do so.

When a member of Congress, assuming the truth of the false statements of Tariff Reform and the New York World, says: "Forty-five per cent. is put upon agricultural implements for the purpose of protecting the manufacturer, and I say that it has protected the manufacturer so effectively that he is now able to go into the unprotected markets of the world and sell for one-half to the foreign consumer or user of agricultural implements that he sells to the American farmer," he must know that he is doing an injustice to his fellow-citizens.

He has undoubtedly read the statement of the Mail and Export Journal—the best authority on the subject:

"The truth of the matter is just this: The quotations named, as taken from the foreign price-current, are for the wholesale or jobbing trade, and not for the foreign consumer, the latter being required to pay as much for the goods which he buys from the dealer in his own country as the latter deems sufficient to reimburse him for the cost of importation, with his profit added."

The World copied from the American Mail and Export Journal the pictorial advertisement of the Ann Arbor Agricultural Company's machinery, with the trade prices of the several items. The World also printed on the same page pictures of the same machinery with prices taken from the Prices Current, a separate publication designed for foreign dealers. The former was represented as an advertisement for American farmers and the latter for foreign farmers. Neither the Journal nor the Prices Current is intended for farmers and neither circulates in this country. They are both printed expressly for foreign circulation. Proof of this may be found in Tariff Reform's "Protection's home market," page 63, and in the journals themselves.

That the prices advertised in the prices-current of these trade journals are wholesale prices is evident from the fact that the articles are quoted by the dozen, gross, etc., always in quantities not purchased by retail buyers, except in the case of large machines or implements always quoted and sold single. The Australasian and South American and the American Mail and Export Journal both affirm that the prices they quote are for the wholesale trade. The correspondence of the Engineering and Mining Journal with S. L. Allen & Co. shows that the prices given in its prices-current are also for wholesale trade.

The methods of the World, and others who have led this attack on our manufacturers, will be clearly seen in the correspondence produced in the Senate on September 10, between the Engineering and Mining Journal and S. L. Allen & Co., whereby the former solicited their advertisement. Frans W. Elkington, manager of the export edition of the Engineering and Mining Journal, wrote to S. L. Allen & Co. on November 12, 1888:

"We take a personal interest in every advertiser, and by keeping ourselves fully posted by letter with the requirements of the importing houses we are enabled to put advertisers in direct and immediate correspondence with houses who may become large buyers."

Later this letter came:

"27 PARK PLACE, NEW YORK, November 26, 1888.

"GENTLEMEN: Would you kindly let us have the use of your smallest cuts of plows and cultivators, etc., together with list prices and discounts? We want them to use in our illustrated price-lists for the benefit of importing houses abroad, and at no expense to you.

"Yours, very truly,

"THE ENGINEERING AND MINING JOURNAL (EXPORT EDITION),
FRANS W. ELKINGTON.

"Messrs. S. L. ALLEN & Co.,
127 Catharine street Philadelphia, Pa."

After the Reform Club's expert and the World had published their slanderous "revelations," Messrs. Allen & Co. sent the following letter:

["S. L. Allen & Co., patentees and manufacturers of agricultural implements.]

"PHILADELPHIA, June 10, 1890.

"GENTLEMEN: As you have doubtless seen the article in the New York World in which they claim that the prices which you quote on our goods in your Engineering and Mining Journal are retail, if you continue to quote our goods, will you please change the heading in such a way that there can be no misunderstanding as to the fact that the prices named are to the trade only? We do not think there has been any misunderstanding on this point, but the World has seen fit to raise the issue, and we do not feel that there should be the slightest chance for doubt in the matter.

"Yours very truly,

"S. L. ALLEN & CO.

"SCIENTIFIC PUBLISHING COMPANY,
Post-office box 1833, New York, N. Y."

To which they received this reply:

"THE ENGINEERING AND MINING JOURNAL,
27 Park Place, New York, June 12, 1890.

"GENTLEMEN: In answer to yours of 10th, the prices I name of yours are correct. The New York World, of course, used what they considered helped their article. At the head of the 'prices-current' we print 'Discounts are for export only,' in large type, as you will notice, thus showing that the prices are not retail prices."

"Yours very truly,

"FRANS W. ELKINGTON.

"Messrs. S. L. ALLEN & Co.,
Philadelphia, Pa."

Even with this the firm was not satisfied, and wrote again:

["S. L. Allen & Co., patentees and manufacturers of agricultural implements.]
PHILADELPHIA, June 17, 1890.

"GENTLEMEN: Replying to your favor of the 12th, would say we are aware of all you state, and that it is your intention as well as ours that the discounts named are for export trade abroad, but it is not so stated in so many words, and we do not want to have any possible chance for misunderstanding, and would therefore ask that you modify the heading in such a way as to leave no possible room for doubt that the prices named are not export retail prices, but prices to the export wholesale trade.

"Yours very truly,

"S. L. ALLEN & CO.

"ENGINEERING AND MINING JOURNAL,
27 Park Place, New York, N. Y."

The above correspondence satisfactorily explains the studied ambiguity of the Engineering and Mining Journal's letter to the World, wherein it tried to confirm the latter's contention that the prices quoted were retail. The Journal did not care to risk its reputation for common honesty by declaring that the prices were retail, but betrayed its desire to do so when it said:

"Prices quoted by us are, as you will notice, at the head of the first column 'for export only,' and the prices therein given are the prices at which every foreign subscriber can buy in this market. It stands to reason that orders for farm implements are frequently for one only. If to buy one machine is retail trade then these foreign prices are retail prices."

"For export only" the Journal had defined as "showing that the prices are not retail prices" (letter June 12 above), and according to its letter of November 12, 1888, its foreign subscribers are "houses who may become large buyers." Nor is "to buy one machine retail trade" necessarily. Thousands of single articles are ordered by wholesale dealers in emergencies or as samples, but the transactions are not, therefore, retail sales.

The following letter should remove any doubts that may exist as to the real facts in the controversy over the much-quoted prices of S. L. Allen & Co.'s goods at home and abroad:

["S. L. Allen & Co., patentees and manufacturers of agricultural implements.]
PHILADELPHIA, May 24, 1890.

"DEAR SIR: We are to-day in receipt of copy of your issue of May 14, calling attention to your article headed 'War on the farmers.' Prominent mention is made in this article of our goods, and as the statements are either willfully or through ignorance so entirely false, we ask that as a matter of simple justice to ourselves you publish in your next issue this letter, in order that the misstatements may be corrected, although we are well aware that this will not repair the injury done to us.

"1. We deny in toto that our prices to the domestic trade for the same quantity of goods are higher than to the export trade.

"2. We deny in toto that we sell single machines at retail to the foreign purchaser as low as we sell at wholesale to the domestic buyer, or any lower than we do to the domestic customer under similar circumstances.

"3. We pronounce as absolutely false the statements that the discounts which you quote on our goods are quoted to the retail buyer abroad. They are trade prices, and are never knowingly quoted to anybody not in the trade.

"4. We deny that our seed drill is ever quoted at \$0.30 to the retail trade abroad.

"5. We deny that our combined drill, rake, and plow is ever knowingly quoted to the foreign retail trade at \$0.30.

"6. We deny that our Fire Fly wheel hoe and plow is ever quoted at \$3.50 to the retail buyer abroad.

"7. We deny that our Fire Fly hand plow is ever quoted at \$1.75 to the retail trade abroad.

"8. We deny that we are now advertising to sell abroad at retail cheaper than we sell at home at wholesale, or as cheap.

"9. Under the heading 'Cultivators protected 45 per cent.' you give two columns of prices, one purporting to be price in the home market for a large lot at wholesale, and one column purporting to give retail prices abroad. We pronounce both figures absolutely incorrect. Instead of quoting the domestic wholesale price, you quote domestic retail prices, and compare them, not with foreign retail prices, but with foreign trade prices. The injustice is so flagrant that we do not think it needs any argument on our part to substantiate it, and we trust you will place these facts before your readers in order to disabuse them of the false impressions which your article may have created.

"Yours very truly,

"S. L. ALLEN & CO.

"EDITOR NEW YORK WEEKLY WORLD,
New York City."

This proof of the unscrupulous methods of the free-traders is confirmed by the following candid statement from the American Mail and Export Journal:

"Some of the newspapers of the United States, notably the New York World, allege that certain American manufacturers and advertisers in the American Mail and Export Journal have been quoting prices for machinery and other goods for export at figures which are from 25 to 50 per cent. under the prices quoted to the domestic trade. The statement made by the World is disingenuous and misleading, particularly in the case of the Ann Arbor Agricultural Company, which is specially referred to.

"The truth of the matter is just this: The quotations named, as taken from the foreign price-current, are for the wholesale or jobbing trade and not for the foreign consumer, the latter being required to pay as much for the goods which he buys from the dealer in his own country as the latter deems sufficient to reimburse him for the cost of importation, with his profit added. It can be readily seen that when the goods delivered f. o. b. at New York, the prices must be considerably advanced when the articles reach the foreign buyer. It is on such misleading statements and evasions of the truth that free-trade journals base their arguments against protection and attempt to show conditions of trade which do not, in fact, exist."

The following letters and statements will explain themselves:

"RICHMOND, IND., September 2, 1890.

"DEAR SIR: In reply to your favor of August 29, we have to say that we make precisely the same figures to the foreign trade in our line of goods that we do to

the domestic trade. We have never quoted any different discounts for cash to an inquirer from seaboard cities for export, than we do to other dealers all over the country for the supply of the domestic trade. There is, therefore, absolutely no foundation, as far as we are concerned, in the representation made by some that manufacturers make a different price for the export trade from that which is given to the domestic trade.

"Our Mr. Scott, while in England a few years ago, found the price of a complete steam outfit, without self-stacker, at an English manufactory to be \$400, or about \$2,000, and this price was actually paid by the owner of one visited by him. The same outfit could be sold in America for \$1,600. The capacity of the English outfit was found to be about 300 bushels per day, on an average. The American outfit, sold at the price above named, could thrash 1,000 or 1,200 bushels per day, and would easily average 900 bushels per day. This comparison very clearly indicates that the American farmer buys his thrashing machinery cheaper than the English farmer, or the farmer on the Continent that buys the English machine, while the American machine will average three times as much as the English machine.

Yours truly,

"GEAR, SCOTT & CO."

"MOLINE, ILL., September 1, 1890.

"DEAR SIR: We have your letter of August 23, and advise you that we have already given the subject some consideration.

"We hand you herewith copy of our letter to the Farm Implement News in regard to this question, which that paper published, and which sets forth fully our position and ideas in regard to the controversy brought up by the free-traders on this subject of foreign prices.

"So far as our own knowledge and business go, their assertions are utterly without foundation, and we will cordially second any attempt to disabuse the minds of the farmers in regard to such fallacies.

"Trusting that this will give you the information desired, we remain, yours truly,

"DEERE & COMPANY,
"Per C. H. POPE, Assistant Secretary."

[Extract from letter above referred to.]

It is true of several of the countries named that the implements we manufacture are peculiar and do not themselves compare with the implements we make for this country. In cases of special implements the price is always higher, of course, than on our regular lines. In some cases, also, our foreign prices on regular goods are higher than our domestic prices. We can not recall an instance where they are lower.

We also believe that as a universal rule the retail prices in foreign countries are considerably in advance of the corresponding retail prices in our own country. This is of necessity so, for the reason that freights to foreign countries and duties where implements are taxed in this way increase the wholesale price, and the consumer must pay proportionately.

The fact that our foreign trade is increasing is good evidence that foreign merchants are not selling our goods at less than cost with freight added.

Some people in this country seem to be exerting themselves to convey false representations to our farmers, and giving them to understand that present prices are high, unjust, and exorbitant, when, as a matter of fact, never in the history of the world could agricultural implements, especially plows and cultivators such as we manufacture, be bought so cheaply as to-day. Never would the produce of the farmer bring him so much in plows and cultivating implements as to-day, even with the low price of produce considered.

Mr. A. B. Cohn, of the A. B. Cohn Company, manufacturers of agricultural implements, 197 Water street, New York, made the following unreserved statements as to discounts in the agricultural implement trade:

"We have been twenty years in the business, and our experience has been that goods are sold in this country as low if not lower than they are sold for export, with this exception, export buyers pay cash or give a letter of credit on London which we sell here on the day the goods are delivered on board, and get cash for it. This gives them a slight discount, but domestic buyers at all times can obtain the same discount by buying on the same terms, that is by paying spot cash.

"Domestic dealers at all times can obtain as good terms in the agricultural implement trade as can be obtained by buyers for export."

When asked whether agricultural implements were supplied to retail purchasers in foreign countries at wholesale rates, Mr. Cohn said:

"There is no such thing as a retail trade, in foreign countries, which we know anything about. We do not sell \$100 worth of goods abroad at retail in a year. No manufacturer does that kind of business. The foreign consumer buys of the dealer abroad just as the consumer in this country does.

"A single plow ordered by a South American farmer would cost more than half a dozen plows obtained in the ordinary way."

Mr. Cohn declared that he stood ready to prove the above general statements by reference to a hundred invoices of domestic and foreign sales as they are recorded on his books.

During the recent discussion in the Senate regarding export discounts, the following letter was submitted by Senator ALDRICH:

[Chattanooga Plow Company, manufacturers chilled plows, plow repairs, cane-mills, evaporators and furnaces. Newell Saunders, president; C. D. Mitchell, secretary and treasurer.]

"CHATTANOOGA, TENN., August 23, 1890.

"DEAR SIR: Your inquiry of the 21st received. Our foreign trade is with Mexico. Prices on implements in the United States are governed by cost and competition between manufacturers. Foreign prices are our home prices plus the difference in freight and cost of conducting business. Our net prices on plows, cane-mills, and everything we make, free on board cars at our factory, are precisely the same to home and foreign customers. But the prices to farmers abroad are always higher than to farmers in the United States.

"Chattanooga cane-mills, which we sell here for \$24, \$36, and \$48, cost delivered in the city of Mexico \$72, \$96, and \$144, and are retailed there at \$100, \$150, and \$200.

"Chattanooga plows, on which the proportion of freight to cost is not so great, we price retail as follows:

Number—	United States.	Mexico.
32.....	\$4.00	\$5.00
33.....	6.00	12.00
34.....	8.00	16.00
35.....	9.00	18.00

"After deducting the discount on Mexican money this leaves the Mexican

farmers paying an average of 75 per cent. more for their implements than our home farmers pay.

"Yours very respectfully,

"NEWELL SAUNDERS,
"President Chattanooga Plow Company.

"Hon. H. CLAY EVANS,
"Washington, D. C."

"NEW YORK, June 26, 1890.

"DEAR SIR: Is it or not true that Messrs. George A. Clark & Bro., of this city, are selling their spool cotton cheaper for export to South America or elsewhere than it can be bought for even in the largest quantities for home consumption? I ask this question for the reason that an acquaintance of mine had an order for South America filled by them at a price some 10 per cent. less than is quoted to home buyers. A reply through the columns of your valuable journal will settle a question about which there has been some dispute.

"Yours truly,

"J. T. WOOLSEN."

"NEW YORK, June 30, 1890.

"In reply to letter signed J. T. Woolsen, we have only to say that we have only one price for our 'O. N. T.' spool cotton, and that we have never sold one spool of our thread for export for less than we sell our American customers.

"Yours truly,

"GEORGE A. CLARK & BROTHER.

"R. B. SYMINGTON, Attorney."

"To the Editor of the World:

"Having sold quite a number of plows within the last few years, your article in the Weekly World a short time since, comparing prices, domestic and foreign, attracted my attention and caused me to compare notes with the most successful agent for agricultural implements in this country, and we agree from our actual experience that your statements in regard to prices are absolutely false in every particular.

"The Advance plow, for instance, has never retailed here for more than \$12.50. No mower sells for more than \$50—most of them for \$40.

"The Fire Fly is furnished wholesale for \$1.50 to \$2.

"And so on through the whole list, as far as we are acquainted with the goods.

"Now, as I suppose a great newspaper like the New York World would not want to injure honest manufacturers and dealers by publishing downright falsehoods, would it not be the proper thing to explain the fact that you have been duped for political purposes? You simply do not understand the business of buying and selling machinery.

"J. C. HARRISON.

"HOPEWELL, N. J., July 22."

"INFORMATION WANTED."

Under the above heading the World publishes a postal card informing that enterprising publication of a purchase made by the writer thereof of a "hay tedder" at much less than the price the World says the article is sold to foreigners, and but a little more than half the price the World says the American farmer is forced by the "protective ring" to pay. The card reads as follows:

"68 BRIDGE STREET, AMSTERDAM.

"War on the farmer. Just bought a hay tedder the past week for \$25 which you represent as selling to farmers at \$45, while the foreigner could buy it for \$30.

"Now, if all the reading matter in the World is as correct as about the hay tedder, the less we farmers have to do with your paper the better it will be for us.

"Yours respectfully,

"JOSIAH WABETH."

"ANN ARBOR AGRICULTURAL COMPANY, Ann Arbor Mich.:

"Does your discount from prices published in American Mail and Export Journal make prices to home wholesale dealers the same as the net prices published in Spanish journals? Answer paid for.

"F. B. STOCKBRIDGE."

"ANN ARBOR, MICH., August 22, 1890.

"Hon. F. B. STOCKBRIDGE, Washington:

"Prices to wholesale dealers in this country are the same as to foreign wholesale dealers, with boxing and New York delivery added.

"ANN ARBOR AGRICULTURAL COMPANY."

"STUDEBAKER BROS., South Bend, Ind.:

"Are your prices the same to American and foreign customers?"

"F. B. STOCKBRIDGE."

"SOUTH BEND, IND., August 21, 1890.

"Hon. F. B. STOCKBRIDGE, Washington:

"We have never made a distinction in price in favor of a foreign market; all reports to the contrary are absolutely untrue.

"STUDEBAKER BROTHERS MANUFACTURING COMPANY.

"Per C. S.

"WASHINGTON, D. C., August 20, 1890.

"OLIVER CHILLED PLOW COMPANY, South Bend, Ind.:

"Do you make lower prices to foreign than to American wholesale dealers?"

"F. B. STOCKBRIDGE."

"SOUTH BEND, IND., August 21, 1890.

"Hon. F. B. STOCKBRIDGE, Washington:

"We do not make lower prices to foreign than to American wholesale dealers. Are prepared to prove that all such reports are false.

"OLIVER CHILLED PLOW WORKS."

"KANSAS CITY, Mo., July 22, 1890.

"DEAR SIR: If the tariff is for the benefit of the laborer and not the manufacturer, why is it that Elgin watches can be purchased cheaper in Canada and other countries than at home?

"N. H. FAIRBANKS."

The above was sent to the Elgin Watch Company. We append their reply:

"CHICAGO, August 15, 1890.

"DEAR SIR: We are manufacturers only of watch movements, not watch cases or the complete watch, as would be inferred from the reference made by the correspondent from Kansas City. The jobber in Canada pays 5 per cent. more for

our merchandise than the jobber in this country. These are the conditions: There being 10 per cent. duty on American-made movements, we allow the Canada jobber an extra 5 per cent. for the purpose of placing our goods there upon such a basis that they can meet competition with movements of foreign manufacture.

"As to the prices of our movements in other foreign countries, as in case of Australia, they are sold there to the jobber and retailer at the same prices they are in this country, with carrying charges, insurance, and duties added.

"We should like to hear the correspondent from Kansas City state why the Elgin watch is cheaper in foreign countries than at home. He simply makes the assertion without the explanation.

"Yours truly,

"ELGIN NATIONAL WATCH COMPANY,
"J. H. & M. CUTLER, General Agents."

"J. I. CASE THRASHING-MACHINE COMPANY,
Racine, Wis., September 8, 1890.

"DEAR SIR: Our trade with foreign countries is limited to Manitoba and the Argentine Republic, and from both of those countries we obtain a higher price than we do from our home customers; and when the purchaser in the Argentine has paid his dealer for customs, freight handling, and commission or profit, his threshing outfit costs him over twice as much as a similar rig would cost a farmer in the United States.

"We do not know of a single manufacturer of farm implements who does not get more money out of the goods shipped to foreign countries than he does out of an equal amount sold in the United States.

"Yours truly,

"J. I. CASE T. M. CO.,
"F. K. BULL, Secretary."

The Farm Implement News, of Chicago, says on this subject:

"It is surprising that a prominent American newspaper should betray such dense ignorance; for it is well known that American implements are sold to foreign farmers at much higher prices than to American farmers. We have frequently called the attention of our readers to this fact; but, in order to show more clearly the difference, we will quote the retail prices on the following machinery and implements, giving highest figures for all sections east of the Missouri River:

"Twine binders, standard size, retail, United States, about \$145; England, \$225; France, \$240; in Italy and other countries at still higher prices.

"Mowers, standard size, retail, United States, about \$50; in England, \$70 to \$80; in France, \$80 to \$90.

"Sulky hay-rakes, retail, United States, \$18 to \$25, according to size and quality; same hay-rakes in France, \$40 to \$50; nearly as high in England.

"Hay presses, steam power, retail, United States, \$450; in England, \$750; in France, \$800.

"Hay presses, horse power, standard reversible style, retail, United States, \$285; in France, \$500; in Argentine Republic, about \$560.

"No. 40 Oliver plow, with wheel and jointer, retail, United States, \$14; in England, \$16 to \$18; in other foreign countries still higher. Other plows and other makes of plows are sold abroad at proportionate advances over home prices.

"Grain drills, nine-hoe, retail, United States, about \$60; in France and Italy, \$140.

"In this way we might go through the whole list of agricultural implements exported to foreign countries. In every case the exported implement brings higher prices abroad."

"DEAR SIR: We receive from 10 to 20 per cent. larger prices for machines we send out of the country than we receive for those we sell here, which is the fact, though our machines for our foreign trade are some heavier than for the home market.

"There is no country in the world that buys any kind of agricultural machinery as cheaply as the Americans buy such machinery, and it is against a member of Congress's intelligence and integrity to get up in Congress and make a statement in conflict with this fact; he ought to be sent home and to school or to the work-house for doing it.

WALTER A. WOOD,
President Walter A. Wood Mowing and Reaping Machine Company.

HOOSIC FALLS, N. Y."

The Cleveland Leader of May 14, referring to an article in the Cleveland Plain Dealer, said:

"A more false and contemptible attack on American manufacturers was never published. It is absolutely atrocious in its abominable perversion of the truth. The only possible apology for such misstatements that can be offered is to plead a degree of ignorance that absolutely unfits the author for discussing any public matter.

"The Engineering and Mining Journal of May 3 did contain nineteen columns of matter, not advertisements, descriptive of manufactured articles suitable for export, with the list of prices thereof and the 'discounts for export only.' It was a little scheme of the Journal to promote foreign trade, and manufacturers were invited to make use of the Journal's columns for that purpose free of charge.

"On the basis of the statement that the discounts are 'for export only,' the Plain Dealer recklessly and wickedly—for ignorance is not justification where the facts were so easily ascertainable—asserts that it is proposed to sell these goods to foreigners at prices 25 to 70 per cent. less than they are sold to Americans; in other words, that American farmers and other home consumers are charged this difference above what foreigners are asked to pay with the retailers' profits and percentages on the excess added. It is amazing that any one should believe such a thing possible, much more so to publish it without careful investigation. How plain a tale shall put that free-trade falsehood down our readers may now see.

"A representative of the Leader yesterday called upon one of the most prominent hardware and agricultural implement dealers in the city, and showing him the article in the Journal, asked him to state what discounts were allowed to him by the manufacturers of the identical articles described. This merchant is a Democrat and a 'tariff reformer,' and the Plain Dealer can have his name, but not for publication, if it desires to investigate the accuracy of the statements to follow. The figures to be given may also be verified by calling on any local dealers in the articles mentioned. The list of articles compared was very large, but we shall confine the comparisons here made mainly to those named in the Plain Dealer.

"In the Journal a manufacturer of steel and malleable iron garden rakes offers them at a discount of 70 per cent. 'for export only.' The same manufacturer sells them to the Cleveland dealer at a discount of '70 and 5,' equivalent to 7½ per cent. off. He offers scythes 'for export only' at '40 and 10 off,' equivalent to a discount of 40 per cent., and to the Cleveland dealer the same goods at '50 and 5 off,' equal to a discount of 52½ per cent. The same manufacturer offers the 'Chieftain' horse rake No. 1 at 40 off 'for export only,' while to the Cleveland merchant he allows '50, 10, and 2½ off,' a discount of 56½ per cent. from the list price. The discount on hatchets 'for export only' is 50 per cent., and to the American dealer '50, 10, and 5,' equal to 57½ per cent.

"On table-knives and shears the discounts offered are the same 'for export

only' and to the home merchant. A manufacturer of feed cutters offers his 'No. 1,' with two 6½-inch knives at \$18, 30 per cent. off 'for export only' and the Cleveland merchant buys the same cutter for \$10 net. The manufacturer of grinding mills allows the home dealer 10 per cent. more discount than the foreign dealer. Barn door sheaves and hangers are offered 50 off 'for export only,' and 60 off to the home trade. The discounts on wrenches and vices are the same in both cases, and on lawn mowers also. 'For export only,' scoll saws are offered at 20 to 25 off, while the Cleveland merchant is allowed 25 to 30. The discount on nails and tacks is 10 per cent. more to the home than to the foreign dealer. But there is no need of further extending the comparisons. In not a single case in the whole list is a larger discount offered 'for export only' than to the American dealer, and in most cases the latter is allowed a larger discount than the foreigners."

Having demonstrated the falsity of the charge that American manufacturers sell agricultural implements abroad more cheaply than to our own people, it is proposed to go further and show that there is neither inducement nor necessity for them to do so. United States Consul H. J. Dunalp, in his latest report from Breslau, Germany, says he attended the annual exhibition of agricultural machinery held in Breslau last June. Five American firms were represented on this occasion whose retail prices on their implements plainly prove that they are higher abroad than at home.

Every farmer will see the moment his eye falls upon them that they are from 25 to 100 per cent. higher than the prices of similar articles in this country:

Prices of American machines in Germany at retail.

McCormick's reaper and binder, complete	\$288.00
McCormick's self-raker, complete	144.00
McCormick's mower, 5-foot cut	115.00
Wood's reaper and binder, complete	276.00
Wood's self-raking reaper, complete	144.00
Wood's self-raking reaper, light	132.00
Wood's mower	96.00
D. M. Osborne & Co., self-raking reaper	144.00
Deere & Co., 12-inch plow, with rolling cutter	16.25
H. Deere & Co., riding plow	62.40
Acme harrow	40.08
Philadelphia lawn mower, 14-inch cut, 8 inches high	16.80
Philadelphia lawn mower, 16-inch cut, 8 inches high	19.20
Philadelphia lawn mower, 16-inch cut, 4 inches high	14.40

The report shows that American farm machinery commands a higher price abroad than that of England or Germany. Both the latter are much higher than our own at home prices, but the superior quality of American implements secures to them their commanding place in the markets of the world. Similar testimony will be found in the consular reports from other countries.

During the recent Senate debate Senator Hisecock, of New York said: "Mr. President, I have examined with great care the charges that have been so confidently made by Democratic newspapers, and reiterated on the floor of the Senate, that American manufacturers were selling their goods to foreign dealers and consumers, offering them freely at the large discounts given from the prices at which the same goods were offered to the same class of American dealers and consumers. The misunderstanding, if it is that, and not an attempt to falsify and deceive the public, is occasioned by the fact that the retail price-lists, less the discounts, are given as the cost of the goods to foreign jobbers (there is no foreign retail trade) and the retail price-lists without discounts as the cost to the American jobbers, when the most casual investigation would have satisfied Senators on the other side that equal or greater discounts were given from those retail prices to the American trade. It has been made a very material question.

"The charge, if true, would prove either that the manufacturers do not require the protection they have, or that on account of a combination among them they sold their goods in the domestic market at the enormous profits indicated by the large discounts to the foreign trade; for it is fair to assume that only in exceptional cases, where the manufacturer finds on his hands a surplus that he can not dispose of at remunerative rates, or through bankruptcy, goods are forced upon the market, would they be sold abroad except at a profit, and I concede that the charges made, if true, would be as trenchant against many customs rates now existing as they are vicious and even criminal. In debate, Senators upon the other side have hovered around and concentrated their forces around this point to launch their eloquent vituperations against the tariff question more than any other.

"It is a remarkable fact in this connection that in many individual instances, manufacturers charged with this great crime against American consumers—for if the charges were true it is a crime—have written to newspapers and gentlemen making charges explaining their methods of business and refuting the charges, and in no instance that I can recall have the writers received the benefit of their denials, but on the contrary they seem to call forth louder and more constant and specific assertions of their truth. I confess to surprise that Senators who should discuss this great economic question, basing their arguments upon facts and the logic of facts, have consented, as it seems to me, to descend to gross misstatements and to misrepresent honorable men in their efforts to excite prejudice and hostility to a great economic policy.

"In this discussion, sir, we can not be too careful—either side—in guarding against calling to our aid in support of our theories any matter that will not stand the highest crucial test in respect to its verity. I, sir, have nothing but commendation for a party leader in this debate who finds it necessary to supply his constituency with erroneous or incomplete statements to hold them in party lines upon this great issue that now divides the two great political organizations."

The charge that American farmers pay more for their implements than foreign farmers do has been shown to be false. Precisely the reverse is the case. They pay less; and this is the result of protection, which has encouraged and developed the production of such articles on a large scale at low prices in the United States. But protective legislation has gone still further, and now by the tariff bill of 1890 has completely defended American farm products against competition from the cheap lands and labor of foreign nations. The following comparison will be found interesting and conclusive:

Rates of duty on foreign products.

Article.	Present law.	Democratic Mills bill.	Republican tariff of 1890.
Barley	10 cts. per bush.	10 cts. per bush.	20 cts. per bush.
Buckwheat	10 per cent.	10 per cent.	15 cts. per bush.
Corn	10 cts. per bush.	10 cts. per bush.	15 cts. per bush.
Oats	10 cts. per bush.	10 cts. per bush.	15 cts. per bush.
Wheat	20 cts. per bush.	20 cts. per bush.	25 cts. per bush.
Butter	4 cts. per lb.	4 cts. per lb.	6 cts. per lb.
Cheese	4 cts. per lb.	4 cts. per lb.	6 cts. per lb.
Beans	10 per cent.	Free	40 cts. per bush.
Eggs	Free	Free	5 cts. per doz.
Hay	\$2 per ton.	\$2 per ton.	\$4 per ton.
Hops	8 cts. per lb.	8 cts. per lb.	15 cts. per lb.
Potatoes	15 cts. per bush.	15 cts. per bush.	25 cts. per bush.

Rates of duty on foreign products—Continued.

Articles.	Present law.	Democratic Mills bill.	Republican tariff of 1890.
Flax-seed, etc.	20 cts. per bush.	20 cts. per bush.	30 cts. per bush.
Garden seeds.	20 per cent.	Free.	20 per cent.
Bacon and hams.	2 cts. per lb.	2 cts. per lb.	5 cts. per lb.
Beef, mutton, etc.	1 ct. per lb.	1 ct. per lb.	2 cts. per lb.
Wool, first class.	10 cts. per lb.	Free.	11 cts. per lb.
Wool, second class.	12 cts. per lb.	Free.	12 cts. per lb.
Wool, third class.	2½ cts. per lb.	Free.	32 per cent.
Do.	5 cts. per lb.	Free.	50 per cent.
Leaf tobacco, stemmed.	\$1 per lb.	\$1 per lb.	2.75 per cent.
Not stemmed.	75 cts. per lb.	75 cts. per lb.	\$2 per lb.
All other stemmed.	40 cts. per lb.	40 cts. per lb.	50 per cent.
Flax.	\$20 per ton.	Free.	1 ct. per lb.
Plums and prunes.	1 ct. per lb.	Free.	2 cts. per lb.

This direct legislation in behalf of farmers has been supplemented by the silver bill, the protective effect of which is already seen in the advance of the prices of the great American staples—nearly 20 cents per bushel on wheat and 15 cents per bushel on corn, amounting in the aggregate to more than \$250,000,000 on these two articles alone.

In conclusion, the American farmers, constituting nearly one-half of our population, have at last received the consideration they deserve. Under protective laws they are guaranteed against foreign competition. They are enabled to sell their crops at fair prices and to buy their implements and tools cheaper than they can be bought in any other country in the world.

Mr. TURNER, of Georgia. Before the gentleman from Ohio [Mr. McKINLEY] resumes his seat, I wish to make an appeal to him in behalf of gentlemen who represent on this floor the State of Louisiana. They have great and important interests involved in the result of this bill; and I suggest to the gentleman from Ohio that he would subserve a very liberal and just purpose if in his announcement to the House in reference to the order of this discussion he would provide that these gentlemen should have some part of the time.

Mr. McKINLEY. I understand the gentleman from Georgia to make that proposition with the idea that we are to divide the time equally.

Mr. TURNER, of Georgia. Under the arrangement of which the gentleman has given notice there would be, of course, according to the usage, an equal division of time between the two sides of the House. But I want to suggest to the gentleman that such an arrangement would be unfair to this side, because we feel in honor bound to accord some of our time to these gentlemen who represent the sugar interest.

Mr. McKINLEY. But the gentleman from Georgia will remember that when I proposed to give his side three hours and a half the gentleman from Tennessee, as I understood, declined my offer.

Mr. TURNER, of Georgia. My friend from Ohio will remember that three of us on this side, who are members of the Committee on Ways and Means, were members with him of the conference committee; and if he holds us to the notice he has already given, and if each of us should occupy the hour which would be allotted to us, these gentlemen who represent the local interest chiefly involved in this bill would have no time at all.

And our reason for objecting in the outset was because of the fact that no adequate arrangement or provision, such as in our judgment ought to have been made, was made to hear those gentlemen before their interests were sacrificed.

Mr. McKINLEY. I do not understand the gentleman to mean that we should yield to those gentlemen in opposition to the bill?

Mr. TURNER, of Georgia. Will not the gentleman and his side of the House hear these parties or their representatives before they are subjected to this sacrifice?

Mr. McKINLEY. The gentleman has time to yield if he desires to do so. We have agreed to give you the larger proportion of the time. The gentleman from Georgia can yield.

Mr. TURNER, of Georgia. The "gentleman from Georgia" is not in charge of the bill, while the gentleman from Ohio is and represents the majority side of the House. He controls the entire time. Is there not sufficient magnanimity at least on that side of the House to allow these gentlemen to be heard before their interests are destroyed?

Mr. McKINLEY. Why, Mr. Speaker, the Louisiana interests were heard the other day fully through the gentleman from Louisiana [Mr. PRICE], when he presented the whole case in the strongest possible manner. They were heard fully before the committee.

Mr. TURNER, of Georgia. At what time did that hearing take place to which the gentleman now refers?

Mr. McKINLEY. I refer to the hearing before the Committee on Ways and Means.

Mr. TURNER, of Georgia. But the gentleman will remember that the gentleman from Louisiana had only five minutes or the floor.

Mr. McKINLEY. But it was all the time he asked for.

Mr. TURNER, of Georgia. And they ask now to be heard on the floor. This bill has come back in a shape to be acted upon, and before their interests are destroyed they ask to be heard.

Mr. McKINLEY. Very well; I call the attention of the gentleman to the fact that I proposed to give that side of the House three and a half hours, provided the previous question was ordered at 6 o'clock. Gentlemen on that side objected. You could have given the gentleman the extra half hour which I agreed to give you.

Mr. TURNER, of Georgia. In justice to myself, I hope the gentleman from Ohio will permit me to say that the limited time occupied by Mr. PRICE, the five minutes, was made short in order that the bill might be facilitated for the Committee on Ways and Means.

Mr. McKINLEY. Now, if the gentleman from Georgia and his side of the House will consent that the previous question shall be considered as ordered at 6 o'clock we will give the extra half hour to gentlemen to present their claims. It is all in your own hands to determine the question.

Mr. TURNER, of Georgia. But the gentleman will give nothing if we do not surrender, as I understand it?

Mr. HAUGEN. Is there to be no reciprocity on that side at all? [Laughter.]

Mr. TURNER, of Georgia. We are just trying to reach an agreement.

Mr. McKINLEY. Then will not the gentleman from Georgia give something to get time for his friends?

Mr. TURNER, of Georgia. Mr. Speaker, I have nothing more to say. I simply appealed to the magnanimity of the gentleman. If he declines to entertain the appeal I can not do more.

Mr. McKINLEY. Why, Mr. Speaker, I appeal to the gentleman from Georgia to say if I have not made an exceedingly fair proposition to him.

Mr. TURNER, of Georgia. I want to tell the gentleman from Ohio that if he will not consent to a more just distribution of the time, in view of the interest involved, and to which I have referred, then I myself will accord, of the limited time at my disposal, an opportunity to these gentlemen to be heard.

Mr. McKINLEY. That is a matter entirely under the control of the gentleman.

Mr. TURNER, of Georgia. It is due to them to be heard, and the time ought to be given by consent of the House.

Mr. McKINLEY. I have asked that time should be given to them; I have asked that the order of business for this day by which the previous question shall be ordered at 6 o'clock may be so arranged as to give these gentlemen time. The gentleman from Tennessee has objected. Will not gentlemen now consent that the previous question be ordered at 6 o'clock? That will save an unnecessary waste of time; and the time thus saved can be used in the debate. I asked unanimous consent this morning that the reading of the Journal might be omitted, which would have saved a half hour more, which could have been accorded to the debate, but the gentleman from Georgia objected.

Mr. TURNER, of Georgia. But the gentleman from Ohio will pardon me. He knows all the time is at his command.

Mr. McKINLEY. Not at all.

Mr. TURNER, of Georgia. The gentleman controls all the time for the balance of the session. He can do as he pleases with it. I have not a minute except what I get by his grace and consent. He ought not, therefore, to expect me to give the limited time which I may be able to control to gentlemen who will suffer by the adoption of this proposition. Why, even a criminal ought at least to be heard before he is condemned.

Mr. McKINLEY. We have heard these gentlemen, however, and I will remind the gentleman from Georgia again that when I asked unanimous consent to dispense with the reading of the Journal this morning objection was made by himself, and time was thus unnecessarily consumed. I propose to give thirty minutes if you will consent that the previous question be ordered at 6 o'clock. Nothing can be fairer.

Mr. WILKINSON. Will the gentleman from Ohio have the courtesy to answer one question? I would like to know by what authority—

Mr. McKINLEY. Mr. Speaker, I want it understood that this does not come out of my time.

The SPEAKER. It comes out of somebody's time. [Laughter.]

Mr. COLEMAN. I hope it will not come out of mine.

Mr. McKINLEY. I do not want it taken out of mine.

The SPEAKER. The Chair will recognize the gentleman from New York [Mr. FLOWER], who is next entitled to the floor.

Mr. FLOWER. Mr. Speaker, it is probably unnecessary to say, for the minority of this committee, that we non-concur in this cyclone stone-wall bill.

The reason why I call it a cyclone stone-wall revision is because out West they build their walls 4 feet high and 6 feet thick, so when the cyclone strikes them and they blow over they are taller than ever. So they have revised this tariff, in every schedule save one or two, higher than it is under the present law. They have attempted by it to restrict trade, to fix it so that the coast States can not trade with any foreign country; so that we can not get what we want from abroad which we do not produce and pay for in our agricultural products and manufactures; so that in the future we will need no shipping and have no flag upon the seas. The theory of the majority of the committee has been to so arrange the bill that between the thirty different nations with which this country trades there shall be no trade at all if they can possibly help it. That is their position in nearly every item of the bill.

In the limited time that has been given us to consider this and the

hurry in which comparisons must be prepared, I have had only time to go through the several schedules and pick out perhaps one or two hundred items, not differing much in any particular in the raising of the rate from the three thousand and odd different articles taxed in the bill.

I have partly arranged a statement by which you can see, from a comparison of the present law with this proposed law how much increase there will be in the tariff duty, an increase of from 30 to 150 per cent. above the present law. I will print the table in the RECORD.

The statement is as follows:

Increased rates.

Paragraph.	Articles.	From—	To—	Increase over present rates of about—
2	Boric acid.....	4 and 5 cents	5 cents per lb.....	Per ct. 20
5	Sulphuric acid.....	Free	4 cent per lb.....	100
10	Ammonia, carbonate.....	20 per cent.....	14 cents per lb.....	45
	Ammonia, muriate of.....	10 per cent.....	4 cent per lb.....	45
	Ammonia, sulphate of.....	20 per cent.....	4 cent per lb.....	1
26	Extracts for dyeing, etc.....	10 per cent.....	4 cent per lb.....	30
27	Glu.....	30 per cent.....	14 cents per lb.....	25
28	Indigo extracts.....	10 per cent.....	4 cent per lb.....	25
39	Cod-liver oil.....	25 per cent.....	15 cents per gal.....	100
41	Flaxseed-oil.....	25 cents.....	32 cents per gal.....	(*) 80
44	Olive-oil.....	25 per cent.....	35 cents per gal.....	80
45	Seal, herring, etc., oil.....	25 per cent.....	8 cents per gal.....	20
47	Opium, for smoking.....	\$10 per lb.....	\$12 per lb.....	20
49	Barytes, unmanufactured.....	10 per cent.....	\$1.12 per ton.....	20
	Barytes, manufactured.....	1 cent per lb.....	4 cent per lb.....	(†) 20
50	Blues (paints).....	20 to 25 per cent.....	6 cents per lb.....	(†) 20
53	Chrome-yellow.....	25 per cent.....	4 cents per lb.....	(†) 20
54	Varnish, Japan or gold size.....	Free.....	35 per cent.....	25
57	Vermilion.....	25 per cent.....	12 cents per lb.....	25
60	Orange mineral.....	3 cents.....	24 cents per lb.....	16
70	Potash, caustic.....	30 per cent.....	1 cent per lb.....	25
67	Phosphorus.....	10 cents per lb.....	20 cents per lb.....	100
75	Calomel.....	25 per cent.....	35 per cent.....	40
89	Sumac, ground.....	4 cent.....	4 cent per lb.....	38
SCHEDULE B.				
93	Fire-brick.....	20 per cent.....	\$1.25 per ton.....	25
94	Tiles and brick.....	20 per cent.....	25 per cent.....	25
	Tiles and brick, enameled, etc.....	35 per cent.....	45 per cent.....	25
95	Cement.....	20 per cent.....	8 cents per 100 lbs.....	50
100	Lime.....	10 per cent.....	6 cents per 100 lbs.....	200
101	China, existing rates, duty increased by the administrative bill, the duty being assessed upon the crates and other coverings, at least.....			5
103	Gas retorts.....	25 per cent.....	\$3 each.....	

*7 cents.

†No data.

GLASSWARE, ETC.

103. Green and colored bottles, increased upon the sizes under 1 pint from 1 cent per pound to 14 cents per pound.
 104. Flint and lime, etc., glassware, from 45 per cent. to 60 per cent.
 106. All articles, etc., glassware, from 45 per cent. to 60 per cent.
 108. Thin-blown, etc., glassware, from 45 per cent. to 60 per cent.
 109. Heavy-blown, etc., glassware, from 45 per cent. to 60 per cent.
 110. Porcelain and opal glassware, from 45 per cent. to 60 per cent.
 112. Unpolished cylinder and glass, same as present rates; an increase is allowed as to weight.
 119, 120, and 121. Spectacles, etc., from 45 per cent. to 60 per cent.
 127. Freestone, etc., from \$1 per ton to 11 cents per cubic foot.
 128. Freestone, dressed, from 30 per cent. to 40 per cent.

METALS.

128. Boiler or other plate iron. By this new classification all iron-plate will be dutiable as steel, etc., evidently an increase over present rates.
 143. Tin-plate (7), 1 cent per pound to 2.3 cents per pound.
 140. Hoop, etc., "cotton-ties," 35 per cent. to 1.3 cents per pound.
 146. Steel in ingots, etc., new classification; the data appears to show the specific for the present ad valorem as its equivalent; on the higher price steel the rates are a large increase over the present rates.
 156. Anvils, from 2 cents per pound to 24 cents per pound.
 159. Card clothing, from 45 cents per square foot to 50 cents per square foot.
 163. Cutlery: Pen-knives, etc., from 50 per cent. to 12 cents, 50 cents, \$1, and \$2 per dozen, and 50 per cent. additional. Razors about the same increase.
 167. Table-knives, advanced in about the same ratio as pen-knives.
 170. All double, etc., shotguns, heavy increase; present, 35 per cent.; an additional rate of \$2, \$4, and \$6 has been added.
 185. Aluminum, from free to 15 cents per pound.
 190. Bronze powder, from 15 per cent. to 12 cents per pound.
 196. Bronze in leaf, from 10 per cent. to 8 cents per package.
 198. Bullions, metal thread, from 25 per cent. to 30 per cent.
 197. Gold leaf, from \$1.50 to \$2 per package.
 202. Mica, from free to 35 per cent.
 207. Quicksilver, from 10 per cent. to 10 cents per pound; an increase of about 100 per cent. over present rates.
 208. Type metal, from 35 per cent. to 14 cents per pound.
 209. Tin, from free to 4 cents per pound.
 212. Zinc, in blocks or pigs, from 14 to 14 cents per pound.

WOOD.

219. Cedar, posts, etc., from free to 25 per cent.
 220. Sawed boards, etc., from \$2 per 1,000 feet to 15 per cent.
 240. Glucose, from 30 per cent. to three-fourths cent per pound.

TOBACCO AND MANUFACTURES OF.

212. Leaf-tobacco, not stemmed, from 35 and 75 cents per pound to \$2 per pound.
 Leaf-tobacco, stemmed, from \$1 to \$2.50 per pound.
 243. Leaf-tobacco, other stemmed, from 40 to 50 cents per pound.
 246. Cigars and cigarettes from \$2.50 per pound to \$1.50 per pound and 25 per cent. ad valorem.

AGRICULTURAL PRODUCTS.

247. Horses and mules, from 20 per cent. to \$30 per head.
 248. Cattle, from 20 per cent. to \$10 per head.
 249. Hogs, from 20 per cent. to \$1.50 per head.
 250. Sheep, from 20 per cent. to \$1.50 per head.
 252. Barley, from 10 cents to 30 cents per bushel.
 253. Barley malt, from 20 cents to 45 cents per bushel.
 254. Barley, pearled, from one-half cent per pound to 2 cents per pound.
 255. Buckwheat, from 10 per cent. to 15 cents per bushel.
 256. Corn, from 10 cents to 15 cents per bushel.
 257. Corn meal, from 10 cents to 20 cents per bushel.
 258. Macaroni, etc., from free to 2 cents per pound.
 259. Oats, from 10 cents to 15 cents per bushel.
 260. Oatmeal, from 1 cent to 1 cent per bushel.
 264. Wheat, from 20 cents to 25 cents per bushel.
 265. Wheat flour, from 20 per cent. to 25 per cent. per bushel.
 266. Butter, from 4 up to 6 cents per pound.
 267. Cheese, from 4 up to 6 cents per pound.
 268. Milk, from 10 per cent. up to 5 cents per gallon.
 269. Milk, sugar of, from free up to 8 cents per pound.
 272. Broom-corn, from free up to \$5 per ton.
 273. Eggs, from free up to 5 cents per dozen.
 277. Hay, from \$2 up to \$4 per ton.
 279. Hops, from 8 cents to 15 cents per pound.
 282. Plants, trees, shrubs, from free to 30 per cent.
 285. Flaxseed, from 20 cents to 30 cents per bushel.
 287. Vegetables, prepared, from 30 per cent. to 45 per cent.
 288. Vegetables, in natural state, from 10 per cent. to 25 per cent.
 289. Straw, from free to 30 per cent.
 290. Teasels, from free to 30 per cent.
 297. Apples, from free to 25 cents per bushel.
 298. Plums and prunes, from 1 cent up to 2 cents per pound.
 302. Raisins, from 2 cents up to 24 cents per pound.
 310. Bacon and hams, from 2 cents up to 5 cents per pound.
 311. Beef, mutton, etc., from 1 cent up to 2 cents per pound.
 324. Dextrine, from 1 cent up to 14 cents per pound.
 326. Cayenne pepper, from free to 24 cents per pound.

SPIRITS, ETC.

321. Brandy and other spirits, from \$2 up to \$2.50 per gallon.
 324. Cordials, etc., from \$2 up to \$2.50 per gallon.
 326. Ray rum, from \$1 up to \$1.50 per gallon.
 327. Champagne: Quarts, from \$7 up to \$8 per dozen; pints, from \$3.50 up to \$4 per dozen; half-pints, from \$1.75 up to \$2 per dozen.
 339. Ale, porter, etc., from 35 cents up to 40 cents per gallon.
 341. Cherry juice, etc., large increase.
 342. Ginger ale, etc., large increase.

COTTON MANUFACTURES, ETC.

344. Cotton yarns, etc., some of the lower price yarns increased about 20 per cent.
 346 to 350. Cotton cloths, change of classification prevents any estimate of increased rates which are no doubt large.
 351. Clothing, etc., from 35 per cent. to 50 per cent.
 352. Plushes, velvets, etc., large increase.
 353. Chenille curtains, etc., large increase.
 355. Stockings, hose, and knit goods, large increase except upon the cheap-kind.

FLAX, ETC.

359. Flax, not hackled, from \$20 to \$22.40 per ton.
 360. Flax, hackled, from \$40 to \$67.20 per ton.
 371. Oil cloths, low priced, is largely increased.
 372. Yarns or threads, from 40 per cent. up to 45 per cent. on the finest and more upon the lower grades.
 373. Manufactures of, rates increased from 35 to 50 per cent., except upon the coarser linens.
 374. Collars and cuffs, very large increase.
 375. Laces, edgings, etc., very large increase, from 40 up to 60 per cent.

WOOLS AND WOOLENS.

386. Wools of the first and second class increased about 16 per cent. over existing rates.
 387. Wools of the third class increased on the lower grade about 25 per cent. and on the higher much above that.
 393. Woolen yarns, a very large increase of the specific rate.
 394. Woolen cloths, etc., new classification and large increase of pound duty as well as increase of the ad valorem rate.
 395. Blankets, hats of wool, etc. The remarks upon 394 apply to this paragraph.

396. Women's dress goods. Ditto as to remarks.
 398. Clothing, etc., increase in both specific and ad valorem rates.
 400. Webbing, etc., large increase in rates.

CARPETS.

401. Ambrosen, etc., 45 and 50 per cent. up to 60 cents and 40 per cent.
 402. Saxony, etc., 45 and 50 per cent. up to 60 cents and 40 per cent.
 403. Brussels, 30 and 30 per cent. up to 44 cents and 40 per cent.
 404. Velvet, etc., 35 and 30 per cent. up to 40 cents and 40 per cent.
 405. Tapestry, 20 and 30 per cent. up to 28 cents and 40 per cent.
 406. Treble ingrain, 12 and 30 per cent. up to 19 cents and 40 per cent.
 407. Wool, Dutch, etc., 8 cents and 30 per cent. up to 12 cents and 40 per cent.
 408. Druggists, etc., 15 and 30 per cent. up to 22 and 40 per cent.
 409. Carpets, etc., 40 per cent. to 50 per cent.

SILK.

412. Spun silk, now 30 per cent. to 35 per cent.
 413. Velvets, plushes, etc., now 50 per cent. to compound rates, which will exceed the present rates largely.
 415. Laces, etc., now 50 per cent. to 60 per cent. Clothing of part india-rubber, compound rates of 8 cents per ounce and 60 per cent.

PAPER.

417. Wood-pulp, now 10 per cent., to specific of \$2.50, \$6, and \$7 per ton. The rates in paragraph 421 upon certain papers are a large increase over present.
 Envelopes, very large increase upon the cheaper grades.
 427. Manufactures (not otherwise specified) raised from 15 to 25 per cent.

SUNDRIES.

429. Brushes and brooms, from 30 per cent. to 35 per cent.

431. Buttons, from 25 per cent. to specific, which will show very large increase.
 432 and 433. Buttons, same as above.
 435. Cork-bark and corks, now 35 per cent., to specific rates; large increase on some descriptions.
 450. Hair-cloth, now 30 per cent., to specific.
 453. Hats, etc., now 30 per cent., to 55 per cent.
 454. Jewelry, now 25 per cent., to 50 per cent.
 458. Leather for pianos, now 20 per cent., to 35 per cent.
 461 to 465. Manufactures of various articles increased in many cases over present rates.
 465. Masks, now 15 per cent., to 35 per cent.
 466. Matting, now 20 per cent., to specific rates.
 469. Slate-pencils, now 50 per cent., to 4 cents per gross, is believed to be a very decided increase.
 472. Umbrellas: Silk, etc., now 50 per cent., to 55 per cent.; other, now 40 per cent., to 45 percent.

In the foregoing tables the manufacturing schedules are all of them raised to a point which allows the manufacturers, or most of them, to make combines and fleece the people. It was the intention to place the rate so high that no combine between manufacturers could be defeated by the regulation of prices from foreign importation.

I have also examined the agricultural schedule, largely increasing the duty on wheat, cabbages, and all along the line; and the thought occurs to me, after hearing from the agriculturists in the committee, and the manufacturers also, and hearing it claimed by the majority of this House that raising these various schedules for the manufacturing industries would certainly cheapen the articles to the consumer—the thought occurred to me whether they did not want by these schedules to make the farmer poorer than he is. It was claimed by some of the farmers who appeared before our committee that work the best they could, cut their corners as only a farmer has to do, that at the end of the year all he could clear was a six-rail fence with the sheriff after him. [Laughter.]

It occurred to me, "Do they want to make the farmer poorer than he is now?" If their theory is right, that by raising the duty on these articles they cheapen them to the consumer, why will not the increased duty on barley, on wheat, on cabbages cheapen those articles for the farmer as well? If the theory is correct in one case it is right in the other. If it makes the farmer poor now it will make him poorer when he gets the full benefit of this protection that you give him.

Look this bill all over from one end of it to the other. I have given you a fair sample of it, as you will see; and the farmer will fail to find much relief in all these various schedules.

My honored friend, the chairman of this committee, expatiated largely on the question of free sugar below 16 Dutch standard. But that has a string on it. By the 1st of January, 1892, if the revenues are not sufficient to meet the demands of the Government—and there is not a sane man on the other side of the House who will deny that our revenues are all gone, and that if we had appropriated what we ought you would have had a deficit of \$47,000,000 to-day—I say by the 1st of January, 1892, if it is thought necessary, the President may retaliate on those countries from which we get free coffee, tea, and hides by pulling the string and raising the duty to where it is now, nearly, on sugar; and tea, coffee, and hides, which are now free, may be placed on the dutiable list again.

But there is one bright spot in this bill for the Western Republican farmers. The majority have labored and brought forth binding-twine. They expected to label it on the start "free" binding-twine. What a boon that would have been to the Western Republican farmer. What a peroration the statesmen could have made in those Western States on free binding-twine! Why, you would have had these Republican farmers lifting up their eyes to heaven saying, "We thank God we are not as other people are. We believe in protection. We believe that all these different duties cheapen articles to the consumer; but as for binding-twine, we are a little in doubt, if you do not put that on the free-list we will down all you gentlemen in Minnesota and Iowa, and we will have our way about it whether or no."

On the other hand they whirl around to the South and they say, "Cotton-ties, 35 per cent.; now put them up to one-half cent a pound or to about 130 per cent. Double them up; give them the benefit of it in the South; try it on them. This duty on these cotton-ties will certainly cheapen them to you in time; but we have got tired of this Republican idea that it is going to cheapen binding-twine, and we do not want it, but we are willing it should be tried on the farmers of the South."

I can hear them singing:

From Greenland's icy mountains, from India's coral strand,
 Flow down those Southern rivers, light up their golden sands.
 Down in that Southern country let high protection come,
 But not out in the Western States, for that's to close to hom'.

[Laughter and applause.]

Now, I have searched through this bill for the relief promised, and I say that the Western men will expatiate upon this particular point of seven-tenths of a cent a pound on binding-twine, though it ruins 200,000 workmen and drives them out of employment in New York State and in New England.

The raw material of which binding-twine is made is taxed by this bill \$33.50 a ton, and they leave them seven-tenths of a cent a pound duty to pay the difference in the wages between here and Europe, pauper Europe. They have fixed it in that shape. They know it is

going to ruin them, but they do not care. They will ruin an industry by making even free binding-twine, for their constituents demand that the tax be put upon somebody else; and they put it on somebody else and take the benefit home to themselves. This seven-tenths of a cent a pound on binder-twine is just exactly like a diamond in a bushel of charcoal, the only relief from taxation the Western farmer has in the whole bill. It will serve for them to have something to talk about, and it will be talked about till their representatives are talked out of this Congress.

I do not feel prepared to-day (but others will follow me who are) to go into a detailed discussion of this bill all along the line. It deserves it and will probably get it; not so full as it deserves and not so full as it will get before the country. Permit me to make one allusion not connected with the bill: I saw the other day a speech blotted out of the RECORD, and the gentleman raised his hands almost to heaven and said that, while other of his speeches had sunk into the RECORD as rain-drops into the ocean, this one had sprung up and brought forth an hundred-fold. He said that twenty Southern districts were robbed of representation by this side of the House, and that he could not stand it, even if he had to "butcher" the Senate. He did not say that one of these was obtained by corruption. Mark that. Neither did the Speaker of this House in Maine, when he claimed that there were twenty seats stolen in the South, or thirty, as he said in Philadelphia—and I suppose it will be fifty before the end of this campaign—he did not charge corruption on one of them. He might have added that forty seats on their side of the House, if it were not for money, might be vacant to-day. He might have said that, but did not. They are holier than we.

Mr. Speaker, I reserve the balance of my time. How much time have I left?

The SPEAKER. The gentleman has occupied fifteen minutes.

Mr. TURNER, of Georgia. Does the gentleman from Ohio desire any one on his side to proceed now?

Mr. McKINLEY. No.

Mr. KERR, of Iowa. Mr. Speaker, I rise to a question of privilege. The gentleman who has just taken his seat has made a statement that I do not think ought to go unchallenged on the record: that forty seats on this side were purchased by money, or words to that effect. I think we owe it to this House not to allow such a statement as that to go in the RECORD unchallenged; and I would like the gentleman to specify what he means by that.

Mr. FLOWER. In the first place, Mr. Speaker, the RECORD will show that I did not state what the gentleman from Iowa has said I did. I did say that if it were not for the use of money forty seats on the other side might be vacant. [Laughter.]

Mr. LEHLBACH. How many on your side? [Laughter.]

Mr. MOREY. How much did yours cost? [Laughter.]

The SPEAKER. What does the gentleman from Iowa desire?

Mr. KERR, of Iowa. I move that the words of the gentleman be taken down. [Cries of "Too late!"]

Mr. WILLIAMS, of Ohio. And that a committee be appointed to investigate and see how much seats did cost. [Laughter.]

The SPEAKER. Words that the gentleman has uttered in debate?

Mr. McMILLIN. I make the point that it comes too late; and I hope this does not come out of our time.

The SPEAKER. It comes out of somebody's time. The Chair would repeat that time can not be wasted without being lost.

Mr. FLOWER. How much time have I occupied?

The SPEAKER. The gentleman has occupied seventeen minutes, including this colloquy.

Mr. TURNER, of Georgia. Mr. Speaker, at this stage of the bill now under consideration it may not be amiss, at the risk of some repetition, to remind the House that after a discussion of three or four days in the House it was passed under a special order, after six days more of debate, and was then sent to the Senate. In the Senate, which, under the Constitution, can not originate revenue bills, after proper consideration by the Committee on Finance, it was reported to the Senate and in due time underwent discussion for eight weeks. The result of the deliberation upon the bill by that body was embodied in over four hundred amendments. Those amendments contained various distinct propositions, some of which were favored even on the Republican side of this hall; but under another resolution, which the gentleman from Ohio, the honorable chairman of the committee [Mr. McKINLEY] proposed, the House was compelled to vote in *solido* upon the entire number of amendments proposed by the Senate after a discussion of two hours, one hour on each side. Under the vote taken on that resolution those amendments went into a conference between the two Houses. For ten days those amendments were under consideration in that committee of conference, although the House itself had been denied the opportunity for more than two hours' consideration of them before the bill was sent to conference.

The country knows nothing of what transpired between the conferees of the two Houses. Although a member of the conference committee, I scarcely know anything myself except that which is embodied in the report. I am not complaining of this. These Republican gentlemen had the right to confer among themselves before submitting their action to us and the country, but what I do

complain of is that propositions which required for their discussion in the Senate eight weeks, and for their consideration in the conference between the two Houses ten days, we were allowed on this side only one hour to consider, and now, when the result of the conference is reported, we are notified that we are to be allowed only three hours for discussion. Of course, we can only protest. The process may commend itself to those who are the beneficiaries of the policy of protection, but to those who are its victims it looks more like the famous process of "addition, division, and silence."

I arraign this bill, Mr. Speaker, as a sectional measure, and in this connection I propose to speak of some of the aspects of the bill which affect my constituents.

Our constituents at the South, Mr. Speaker, are engaged in the production of that great staple which furnishes the bulk of our foreign commerce. The people who till the soil there and make the cotton do more days' labor in a year than the people who live in any other section of the Union. Their labors begin with the New Year and end only with Christmas, and they are engaged in a most useful employment, the production of that crop which is the basis for the reiment of all mankind. The price of that commodity is regulated not by the operation of any tariff laws or by any domestic influence or condition, but it is fixed on the basis of free trade in Liverpool and in competition with the labor of India, Egypt, and other countries. In return for that cotton which goes abroad, we receive those importations of merchandise from the duties on which is derived the chief portion of our revenue.

It would seem that those who are engaged in this industry are entitled, from those who lay the taxes at least, to some forbearance. Under the existing duty and a conspiracy which took advantage of it, the bagging in which the farmers of the South inclose their cotton before sending it to market cost them two years ago 12 to 14 cents a yard. The cotton itself they sold for less per pound than they paid for this coarse stuff, with which all are familiar. If our people could buy this bagging where they sell their cotton, without having it taxed at our custom-houses, they could procure it at less than 6 cents per yard. This bill takes off the duty on jute butts from which the bagging is made, and gives in addition to the manufacturers a duty of 1.6 cents per yard.

Binding-twine, which under the present law is dutiable at 2½ cents per pound, is taxed by this conference scheme only seven-tenths of a cent, with free raw material, although it is a far more expensive manufacture than cotton bagging. The lower tax is for the West and the higher tax is for the South. Both articles ought to be on the free-list.

Now, although the bill provides a drawback of 99 per cent. to the Standard Oil Company and others on all tin-plate imported and again exported in the form of cans and boxes, whether empty or filled, no such favor is allowed the farmer on the bagging which he might import from abroad.

Although I know that my friend from Ohio [Mr. McKINLEY] has hitherto differed with me on this subject, it may be nevertheless assumed that the cost of the bagging and ties is a tax on the planter, and that it is not, as it was once contended, sold at the same price at which the cotton itself is sold in the markets of the world.

My friend from Ohio [Mr. EZRA B. TAYLOR], chairman of the Committee on the Judiciary and a colleague of the chairman of the Committee on Ways and Means, made that concession during the last Congress, in a discussion between him and myself on this floor.

Now, let us advance, Mr. Speaker, to the question of cotton-ties. When the present tariff law was framed by a Republican Congress in 1882 or 1883 the gentleman from Ohio himself, then as now a member of the Committee on Ways and Means, and, I believe, then as now a member of the committee of conference, passed on the subject of cotton-ties and assisted in fixing the law as it now is, which puts upon cotton-ties a duty of 35 per cent. ad valorem. Why was that duty fixed at 35 per cent. ad valorem or, as I understand, about one-third of a cent a pound on this article of commerce? The gentleman acquiesced in it then; his party voted for it as a measure of justice to Southern planters; but now, when the conditions have changed so as rather to increase than diminish the necessity for justice to the farmers, he proposes to make that duty on cotton-ties three times as much as it is under existing law.

And it is to be remarked, Mr. Speaker, that these ties, even with the duty at 35 per cent., are still produced in this country, though they are worth on the other side but little over a cent a pound. The American manufacturers can, under the present conditions, still contribute a large proportion of these ties to the trade; it is an enormous bounty to them to give them three times the protection which they have been enjoying.

Mr. McCOMAS. If that cotton bagging is imported and put around cotton and the cotton is then sent abroad, can not 99 per cent. drawback be recovered on such imported bagging, if it can be shown to have been imported?

Mr. TURNER, of Georgia. No, sir.

Mr. McCOMAS. Why not?

Mr. TURNER, of Georgia. Because there is no provision which allows it. The gentleman has an incorrect idea, derived, no doubt, from a paragraph of the bill which provides that on articles manufactured in this country the materials of which are imported and on which a duty has been paid there shall be a drawback of 99 per

cent. of the duties paid on the materials. But the gentleman, on reflection, will of course see that provision will not apply to this cotton bagging under this bill.

Mr. HERBERT. The drawback is only paid to the manufacturer at any rate—not to the farmer in any case.

Mr. TURNER, of Georgia. It does not apply to this item; and the same thing is true of imported cotton-ties.

Now, in all seriousness, Mr. Speaker, I put it to the fair-minded men on the other side whether it is right to inflict this burden on a commodity which adds so much to our commerce and returns so much in the way of revenue to the Government on the traffic which comes back to this country in exchange.

Mr. ARNOLD. Is not every pound of bagging and of iron used in packing cotton paid for at the price of the cotton?

Mr. TURNER, of Georgia. Oh, no.

Mr. ARNOLD. In the case of every bale of cotton sold in this country the bagging and the iron are paid for at the price of the cotton; there is no tare allowed in this country.

Mr. TURNER, of Georgia. I regret that my friend has not hitherto studied the subject to which his inquiries relate.

Mr. ARNOLD. I have bought cotton, and have paid the same price for the bagging that I paid for the cotton.

Mr. TURNER, of Georgia. I will ask my friend where is the price of cotton fixed?

Mr. ARNOLD. In New York; it fixes the price for the entire world.

Mr. TURNER, of Georgia. It is fixed in Liverpool.

Mr. ARNOLD. The price of the cotton of the world is fixed in New York.

Mr. TURNER, of Georgia. Mr. Speaker, I can not enter into a discussion with a gentleman who takes that position.

Mr. ARNOLD. What was the quotation of cotton yesterday in Liverpool and New York?

Mr. TURNER, of Georgia. Mr. Speaker, the price of cotton in New York is always fixed in this way: those who make the market there learn by cablegram what the price is in Liverpool at a given time; and they fix the price in New York by taking into consideration, first, the freight which must be paid in order to lay this cotton down in Liverpool and, secondly, the other regulations which enter into the price on the other side, and among those regulations is a provision which has become a usage there, that 6 per cent. is deducted for tare, imposed on account of the bagging and ties chiefly.

Mr. ARNOLD. How much higher is cotton in Liverpool than in New York to-day?

Mr. TURNER, of Georgia. If the gentleman [Mr. ARNOLD], who says he buys cotton, will consult his broker, he will find that the price in New York is always made on the basis I have stated. In every cotton market in the world the prices are fixed by the Liverpool quotations. There cotton from all the countries that produce it is offered for sale. There the bulk of our own cotton is sold. Even the grades by which the different styles of cotton are designated originated in that city.

Mr. ARNOLD. Where are "futures" sold—contracts for the future delivery of cotton? In Liverpool or in New York?

Mr. TURNER, of Georgia. We are considering actual transactions now, not "futures."

Mr. ARNOLD. They fix the price of future deliveries always, and those prices are fixed in New York.

Mr. TURNER, of Georgia. Let me ask my friend a question or two before he departs.

Mr. ARNOLD. Certainly.

Mr. TURNER, of Georgia. Do I understand the gentleman to insist that the price of cotton throughout the world is fixed by the price of cotton in New York?

Mr. ARNOLD. That is my understanding, sir.

Mr. TURNER, of Georgia. How long has the gentleman been engaged in cotton manufacturing?

Mr. ARNOLD. Well, sir, I have been engaged in that sort of trade for a good many years.

Mr. TURNER, of Georgia. And that is the gentleman's opinion, after all his experience?

Mr. ARNOLD. I have always understood that the price was fixed in New York. The price of futures in cotton is fixed there, which governs the price of cotton throughout the world, as I understand.

Mr. TURNER, of Georgia. Where is the price of wheat fixed?

Mr. ARNOLD. I am not familiar with wheat.

Mr. FORNEY. Nor with cotton, either, evidently.

Mr. ARNOLD. I think I am, so far as cotton is concerned.

Mr. TURNER, of Georgia. My friend may put duties on imported goods and in that way fix the price on this side of like American commodities. He may even, under the protection of this Committee on Ways and Means, put the price up on this side of the cotton manufactures which he produces himself. When it comes to fixing the price of the cotton which he procures from the farmers of the South, this Government is powerless; but the price of bagging and ties, and of everything else the farmers consume, including goods made out of the cotton which they produce, is enhanced by our laws. The gentleman [Mr. ARNOLD] is a manufacturer and is protected; the producers of cotton are only injured by your laws.

Mr. ARNOLD. Does the gentleman from Georgia mean to say that the cotton-grower pays for the bagging and ties himself?

Mr. TURNER, of Georgia. I do.

Mr. ARNOLD. Is it not paid for by the cotton-packer?

Mr. TURNER, of Georgia. I say it is paid for by the farmer—by the producer of the lint.

Mr. ARNOLD. The packer buys the lint and puts up the cotton.

Mr. FORNEY. The gentleman evidently knows nothing about the subject.

Mr. ARNOLD. The farmer does not have anything to do with it unless he is a packer himself, unless he packs his own cotton.

Mr. STOCKDALE. Why, there is a packing establishment on almost every large plantation.

Mr. FORNEY. Nearly every one of them has it. They pack their own cotton on the plantation and it is a part of the business of raising cotton.

Mr. TURNER, of Georgia. My friend from Rhode Island I know is ignorant of the subject of which he speaks. He knows nothing about this branch of cotton production at all, although he has for years been engaged in manufacturing the article.

Mr. ARNOLD. I beg pardon; perhaps I know as much as the gentleman himself.

Mr. TURNER, of Georgia. The gentleman says that the cotton-planter has nothing to do with furnishing the bagging and ties; that the bagging and ties are furnished by an individual that he calls the "packer." Who is the packer?

Mr. ARNOLD. I mean those great concerns that buy the lint and bag the cotton and send it to market, and when they sell that cotton in the market to the world they sell the cotton-ties, bagging and all, at 1-4 or 12-4 cents per pound.

Mr. TURNER, of Georgia. Does my friend know of a packer who does that? He says that he is in the trade and knows what he is talking about. Will he tell me the name of any such establishment? Will he give the name of a single "packer" who furnishes bagging and ties to the planter in that way? Give one name.

Mr. ARNOLD. Does the farmer carry his bagging and ties to the packer?

Mr. FORNEY. Why, he packs his own cotton.

Mr. TURNER, of Georgia. The farmer buys the bagging and ties and packs the cotton on the farm, and then the cotton is sold to the gentleman from Rhode Island and other manufacturers.

Mr. ARNOLD. Yes; and at 10-4 cents and 12-4 cents a pound for the wrappings.

Mr. TURNER, of Georgia. Then, will the gentleman abandon his error as to what he calls "packers?"

Mr. ARNOLD. Whoever packs it, I know that the price of cotton, which is 10-4 cents per pound to-day, is paid also for the bagging and ties.

Mr. TURNER, of Georgia. If the gentleman from Rhode Island knew anything of the business he and I could carry on a more intelligent discussion. But, frankly, I do not think my friend knows anything of the subject. [Laughter and applause on the Democratic side.]

Mr. ARNOLD. The fact is the gentleman wants to get more for his bagging and ties than for the lint.

Mr. TURNER, of Georgia. I hope my friend from Rhode Island will stand there for a few moments while I endeavor to make this matter plain to him. He no doubt desires to be fair, and I propose to treat him with perfect courtesy.

A bale of cotton contains about 500 pounds of lint and requires about six yards of bagging and five or six iron ties. Now, I want to ask the gentleman, suppose I go to his mill and offer him 500 pounds of lint without the bagging and ties, would he not give more for the lint naked and free from the incumbrances than for a bale of 500 pounds including the bagging, ties, and all?

Mr. ARNOLD. Certainly.

Mr. TURNER, of Georgia. As it is now plain that bagging and ties are not worth as much as cotton pound for pound, can not the gentleman understand the demonstration?

Mr. ARNOLD. I pay for the bagging and ties every time.

Mr. TURNER, of Georgia. But the gentleman has just admitted in effect that he regards the bagging and ties as mere incumbrances, and the result is that there is a sacrifice upon the farmer, which the gentleman himself has inflicted, and he does not seem to comprehend the operation.

Mr. ARNOLD. But I pay for these things.

Mr. TURNER, of Georgia. I believe the gentleman does not even yet see it. But, Mr. Speaker, I have spent more time on this subject than I intended. I want to speak of another matter which my friend from Rhode Island [Mr. ARNOLD] may better understand.

I desire now to consider the subject of sulphuric acid. The Committee on Ways and Means proposed to take that item from the free-list, although it is the acid by means of which all our commercial fertilizers are made. I had the honor to submit some remarks on the subject here when the bill was first under consideration, but no entreaties of mine could avail to induce our Republican friends to change their purpose. A large proportion of the cotton grown in Georgia is produced by the addition of fertilizers to our soil. The proposition of the bill as it passed the House was to put a tax of a

quarter of a cent on this acid, of which 1,000 pounds are necessary to make a ton of fertilizer, and if the duty increased the price to its full extent, it would amount to \$2.50 on every ton. It went to the Senate in that shape in spite of every argument that could be made.

The Senate seemed to have a better appreciation of the arguments against a tax on fertilizers and offered an amendment which provides that sulphuric acid which, at the temperature of 60° Fahrenheit, is of the specific gravity of 1.380, and when used for agricultural purposes, shall be free. But I wondered why this long and technical designation of the sulphuric acid which is made free for agricultural purposes should be put into the bill. As the inquiry went on I found that the manufacturers were complaining and saying that that grade of sulphuric acid would be unfit for their business. In order that I might not be misled by an interested party and that I might not assume to understand a matter of which I am ignorant, I applied to the Department of Agriculture for information on the subject. I called the attention of the Secretary to this phraseology in the bill and stated that the manufacturers said this form of sulphuric acid was useless for their purposes. I asked the opinion of the Department, and this is the answer:

DEPARTMENT OF AGRICULTURE, OFFICE OF ASSISTANT SECRETARY.
Washington, D. C., September 26, 1890.

Sir: In reply to your inquiry concerning sulphuric acid used in the manufacture of fertilizers, I would make the following statement:

The authorities on manures all coincide in recommending acids above a specific gravity of 1.625. In England brown oil of vitriol having a specific gravity of 1.7 is usually employed. From the above statement you will see that the manufacturers are probably right in their claims that the acid, as stated in the bill, is too weak for their uses.

Respectfully,

S. S. ROCKWOOD,
Chief Clerk, for Acting Secretary.

Hon. H. G. TURNER,
House of Representatives, Washington, D. C.

It is sufficiently apparent that the privilege which the manufacturers have hitherto had of free sulphuric acid and the consequent benefit which the Southern planters have had in the way of cheap fertilizers are at least to be placed somewhat at the mercy of the producers of sulphuric acid.

Mr. CANDLER, of Massachusetts. Mr. Speaker, I should like to ask the gentleman a question. Is the sulphuric acid used in the preparation of the Southern phosphates made in the South?

Mr. TURNER, of Georgia. No, sir.

Mr. COLEMAN. Yes; I beg the gentleman's pardon. It is made in New Orleans.

Mr. TURNER, of Georgia. I did not understand. Do you mean the fertilizer or the sulphuric acid?

Mr. CANDLER, of Massachusetts. I mean the acid with which they treat their phosphate to make the fertilizer.

Mr. TURNER, of Georgia. The acid is manufactured at one or two remote points in the South, and I trust that the ores from which it can be produced can be found in our section as abundantly as our phosphate rock. This condition may modify the proposed hardship. This acid is a very cheap commodity and has always been free; but I want to tell the gentleman the secret of this business. Some enterprising countryman of his in New York has found somewhere over the Canadian border some advantageous conditions under which he can produce sulphuric acid cheaper than his competitors, and thereby afford to our people a still cheaper fertilizer; and for that reason his competitors have asked a duty to be put on this Canadian sulphuric acid.

Mr. CANDLER, of Massachusetts. Will the gentleman allow me to make a little further explanation?

Mr. TURNER, of Georgia. I do not want to yield to the gentleman for an explanation, but if I can give the gentleman any information—

Mr. CANDLER, of Massachusetts. I wish to give you some information.

Mr. TURNER, of Georgia. Then I hope my friend will get some one on his own side to give him the time for that purpose.

Mr. CANDLER, of Massachusetts. Mr. Speaker, I should like to have the House understand the real merits of the case.

Mr. TURNER, of Georgia. Will the gentleman co-operate with me in securing more time in order that I may oblige him?

Mr. CANDLER, of Massachusetts. That I can not do.

Mr. TURNER, of Georgia. Then I hope my friend will excuse me.

Mr. CANDLER, of Massachusetts. I presume the gentleman desires to give correct information to the House, and I can give him some information that perhaps may enable him to do that.

The SPEAKER. The gentleman from Georgia [Mr. TURNER] is entitled to the floor.

Mr. CANDLER, of Massachusetts. Will you allow me one minute?

The SPEAKER. Does the gentleman from Georgia yield?

Mr. TURNER, of Georgia. Evidently I can not do anything else than yield. The shortest way out is to let the gentleman give the information. I yield to him.

The SPEAKER. The Chair insists upon the rules of the House being complied with. The gentleman from Georgia [Mr. TURNER] is entitled to the floor. Does the gentleman from Georgia yield?

Mr. TURNER, of Georgia. I do yield.

Mr. CANDLER, of Massachusetts. Mr. Speaker, the reason that the duty was asked for by the manufacturers of sulphuric acid in New England was because this enterprising New Yorker, to whom the gentleman refers, could manufacture it, having cheaper coal and cheaper labor, at a little less in Canada than we could in New England, and he told the Canadians that as acid was free in the United States—

Mr. TURNER, of Georgia. I can not yield to the gentleman farther.

Mr. CANDLER, of Massachusetts. If they would put a duty of one-half cent per pound on acid from the United States, he would take from us the Canadian trade and ship his surplus to the United States.

Mr. TURNER, of Georgia. Mr. Speaker, I must resume the floor.

Mr. CANDLER, of Massachusetts. They gave him this one-half cent of discriminating duty against this country, as it is free here, and we asked only one-fourth cent on acid used by manufacturers, leaving the acid for all agricultural purposes free.

The SPEAKER. Will the gentleman from Massachusetts resume his seat?

Mr. CANDLER, of Massachusetts. I will.

Mr. TURNER, of Georgia. If the gentleman from Massachusetts had heard what I endeavored to say and which he has said so much better, he would have been saved the trouble of this interruption.

Mr. CANDLER, of Massachusetts. You did not.

Mr. TURNER, of Georgia. I hope my friend will forbear. I ask, if some enterprising manufacturer in New York has found some means by which he could cheapen the cost of fertilizers to my constituents, why should the gentleman come here and ask Congress to interpose to protect his constituents at the expense of mine?

Mr. CANDLER, of Massachusetts. I say it does not do so.

Mr. TURNER, of Georgia. Then there is an issue which the gentleman and I will try when we get down to another jury. [Laughter.] But when I meet him here in December next we will talk it over again.

I would like to ask the gentleman, if the duty is not intended to afford protection to the gentleman's constituents, why he asked it to be put on at all. But I must hurry along, sir.

Tin-plate is an article of as universal consumption in this country as sugar. It is used in the palaces of the rich and in the hovels of the poor; it is of prime interest everywhere in this country, and, although the present duty of 1 cent a pound has not enabled any enterprising man in this country to make a pound of it, the price has nevertheless gone down on the other side of the Atlantic until even without American competition it has become so cheap here that even the poor man can use tin for the roof that shelters his family. But it is a competitor just now with iron roofing, lately the product of Ohio and Pennsylvania, and it must go. Whatever the pretext, it is proposed to increase the duty to 2.2 cents a pound. Under the existing duty of 1 cent a pound there has not been produced here a single pound of this necessary article. Why treat tin differently from the policy proposed for the sugar of Louisiana? They say that a protective duty has failed to develop the sugar interest to an extent sufficient to supply the domestic demand. They therefore propose to take the duty off sugar and give a temporary bounty in its stead. Tin is in exactly the same situation. The duty has encouraged nobody to produce it; and yet instead of coming to the logical result suggested by the treatment of the sugar interest by putting it upon the free-list, they have more than doubled the duty.

Now, let us see what the exaction will cost us. The duty on tin-plate now amounts annually to over \$7,000,000. If you put this additional burden upon it that tax will aggregate more than \$14,000,000, which will fall as a burden upon the poor people of this country.

I want to call attention now to the subject of tobacco. When we had the responsibility for tariff legislation in the House, two years ago, we proposed to take off not only the special taxes, but to make tobacco free in the Mills bill, and our friends on the other side, who were so eager for such a consummation as free tobacco, reproached us on every occasion because we did not make a distinct and separate proposition to make tobacco free; and yet now, when they have the responsibility and have the opportunity, they propose to strike off the pitiful sum of 2 cents a pound on tobacco, which according to all experience will inure, not to the benefit of the farmer, not to the benefit of the consumer, but will be so much added to the profits of the tobacco manufacturer.

I wish to call attention to the treatment of shipping and the ship-building interest of this country in this bill. I see my friend from Maine [Mr. DINGLEY], who is an expert in matters relating to that interest and who no doubt feels a profound interest in the subject, and I am glad that he can hear what I have to say.

This bill proposes to make free all the materials that enter into ship-building for the purpose of building ships for foreign owners as well as for American ships engaged in the foreign trade. There is one qualification to that statement. The ships built with these free materials are, by the terms of the bill, to be restricted to the foreign trade, except that those which are of American ownership may engage in the coastwise trade for two months in the year. Now, I ask the gentleman's attention to the unfairness of that proposition. On this Atlantic coast, from Savannah to New York, as well as from

Boston to Charleston, and all along that coast from the Northern cities to points on the Gulf of Mexico, there are magnificent ships profitably employed in this coastwise traffic. Although the owners of these ships have to pay a price for their vessels which is augmented by the protective duties which are put on the materials of which they are built and have to pay enormous prices for their ships, it is proposed that for two months of the business season of the year, the time when cotton is offered for market, they shall have these "tramp" steamers built with free raw materials in New England going down there to compete with them in the coastwise traffic which has become so important an element in our internal commerce. Our people can not buy or build their ships which are engaged in the coastwise traffic so as to compete with these tramp steamers on the high seas, because they have to pay too high a price, but these ships that are to be built under this bill are to be allowed free raw materials and, as a result, a diminished cost, and then are to be permitted to come in and compete with these coastwise steamers for at least two months in the year.

Mr. DINGLEY. Is not the gentleman aware that that has been the law since 1872?

Mr. TURNER, of Georgia. I am not, sir. It has not been the law.

Mr. DINGLEY. It has been the law as to wooden vessels. This is merely an extension of the law as to certain other materials.

Mr. TURNER, of Georgia. The gentleman knows very well that the present law is very different.

Mr. DINGLEY. Except that this bill extends the existing law to material for iron vessels.

Mr. TURNER, of Georgia. But that is a very important difference. Iron and steel and such things are very important elements in the making of ships.

Now I wish to say a word or two on the subject of sugar as it is treated in this bill. The domestic production amounts, I believe, to about one-eighth of the total amount of sugar consumed in this country.

It is proposed by this bill to put all sugar of less grades than No. 16 according to the color test on the free-list. Now, under the standard of No. 16 color test nearly all the sugar produced in this country can be classified. Then, as a compensation to those who have been encouraged to make immense investments in the production of sugar and who are to be sacrificed here almost without a hearing, there is proposed a bounty of 1½ cents, up to 2 cents a pound for the higher grades going to 90 degrees polariscope test. Let me state here that this proposition offers this bounty only to those who produce annually at least 500 pounds of sugar. It will be seen at once that every small farmer and every freedman who does not produce more than that quantity per annum is excluded.

Although the region in which I live has never been regarded as a sugar-producing country, we can make with open kettles sugar ranking as high as 85 or 90 degrees, sugar which we have been hitherto making for our own use. This bounty of 2 cents will inure to the benefit of some of my constituents, although I have no doubt this beneficence was chiefly intended for the beet-sugar industry. For it must be remembered that the bill offers free machinery to manufacturers of beet sugar and denies it to those who make sugar from cane in the South. Now very many farmers in my section produce as much as two or three barrels of sugar for their own use every year, and also several barrels of sirup, the best made in this country. But under the operation of this bill there will not be a gallon of sirup made. Everything will be turned into sugar, because if they want sirup they can reconvert the sugar into sirup without much trouble. The result will be that the people of the United States will be paying to my constituents 2 cents a pound for the sugar which they make for their own consumption.

Mr. FUNSTON. That is all right.

Mr. TURNER, of Georgia. That may be all right, but will afford the country a very instructive object-lesson. The American production of sugar will amount to three hundred or three hundred and fifty million pounds this year, and the State of Louisiana will get out of the Treasury of the United States, from moneys paid by the tax-payers of the country at large, over \$6,000,000.

There will be in that State a single planter, or a single plantation, that will get from the Treasury of the United States \$160,000 in the way of bounty. In the fifteen years proposed for the duration of this bounty system, even if there is no increase of the production, there will be disbursed from the public Treasury over a hundred millions to growers of sugar. If protection, when converted into a bounty, reaches this immense sum on a single item of the tariff, the people of this country will soon begin to ask what they are paying in the way of protection to the manufacturers of the three or four thousand other articles on the tariff list.

And let it be remembered that the taxes taken off of sugar to the annual amount of nearly \$60,000,000 are replaced upon other articles of necessity, chiefly produced at the North. Is this reciprocity you propose to your own countrymen?

Mr. DINGLEY. I thought the gentleman was complaining that Louisiana was crippled. [Laughter.]

Mr. TURNER, of Georgia. The gentleman will possess his soul in patience. [Laughter.] I was about to anticipate what the gentle-

man has intimated. The gentleman knows very well, for he is an astute Representative as well as very learned in matters relating to the tariff—he knows that he proposes that this bounty shall last only fifteen years and then wear itself out.

Now, on the point of discrimination, I ask him this question: Will he agree to take off all the protection which is placed upon the matters in which he is interested after fifteen years? And I tell the gentleman further that this object-lesson to which I have adverted will make the bounty system so infamous that it will go out of existence long before the proposed period of fifteen years has expired. Yet now the gentleman turns on me and says that in this bounty he proposes a piece of very great beneficence to my constituents. And this liberality, be it remembered, Mr. Speaker, is to be exercised with the money which the people of this country—my constituents, as well as others—have paid or will pay into the Treasury.

And I would like to ask my honorable friend from Maine [Mr. DINGLEY] if it is not true that these great ships in which he is interested, and which his constituents have been trying to build for the last forty years, but which they have been unable to place on the high seas—if it is not true that that business of ship-building has gone down even under the protective duties which have been given to it until our flag has almost disappeared from the ocean? Yet the gentleman does not propose to the American people that ships shall be put on the free-list, although that is exactly the kind of treatment he proposes for the sugar of Louisiana, which is *in simili casu*.

I have not time to devote to any discussion of the constitutional bearings of this bounty system, which is only the equivalent at last of protective duties. My honorable friend from Ohio [Mr. McKINLEY] says that it is "to be hoped" that some beneficent results will follow from the inauguration of the reciprocity proposed in this bill. I would like to know whether my friend is very sanguine about it. [A pause.] The gentleman does not answer. My opinion is that it is *brutum fulmen* so far as any result to the country is concerned in the way of freeing our traffic abroad.

But I object to this reciprocity, because it inaugurates a principle in our Government that is contrary to the Constitution. This bill proposes to invest the President of the United States with the power to enact law, not simply to execute it. It gives him the power when he thinks that these countries with which he desires reciprocal trade relations have been unfair to us—when he thinks that they have not offered commerce reciprocally fair he is to put certain rates prescribed in the bill on sugar, on hides, on coffee, and on tea. Now, Mr. Speaker, I am opposed to giving the President any such power; in the first place, because the Constitution devolves that duty on Congress; in the next place, because Congress is nearly always in session and can attend to its own business; and, in the last place, I am opposed to this reciprocity because, while the bill is itself a universal boycott against all other nations, it proposes to give the President a roving commission of marque and reprisal and to make him a buccaneer among our neighbors!

The SPEAKER *pro tempore* (after a pause). The present occupant of the chair is not advised as to any arrangement which may have been made in regard to the occupation of the time.

Mr. TURNER, of Georgia. I presumed that gentlemen on the other side would indicate something they might wish to be done at this stage. We have already occupied more than an hour on this side. If gentlemen on the other side do not wish to go on, I would be very glad that some time might be yielded to our friends from Louisiana.

Mr. McKINLEY. I suggest that gentlemen on that side proceed now.

The SPEAKER *pro tempore*. One hour and fifteen minutes have been occupied on that side.

Mr. FLOWER. I yield fifteen minutes to the gentleman from Alabama [Mr. HERBERT].

Mr. HERBERT. Mr. Speaker, I shall address myself within the time allotted me to the "reciprocity" amendment tacked on to this bill by the Senate and reported back here favorably by the conference committee. I shall endeavor to show that the amendment is not the step towards reciprocity recommended by Mr. Blaine; that it is a mere political makeshift, intended as a "good enough Morgan until after the election," and absolutely worthless for any other purpose whatever.

What is reciprocity? It is an agreement between two nations for equal advantages as to customs duties and charges. It contemplates an extension of trade relations. It means traffic, that the people of both contracting nations shall have the right to buy as well as to sell. Now, reciprocity of that kind can have no place whatever in such a scheme as this McKinley bill. How could anybody look for such a thing? Who can expect these modern statesmen who control this Congress to go back to the exploded doctrines of Thomas Jefferson? Jefferson said ninety years ago, "Encourage agriculture, and commerce as its handmaid." Agriculture he put first. Agriculture was the mistress; commerce its handmaid, its servant to go abroad and bring back the good things from every quarter of the earth to the farmer.

All that has been changed. Agriculture herself is now a handmaid, the bond-servant of manufactures. She can not tell commerce to bring back to her from foreign countries the things which minister to her wants. The very purpose of this bill is to prevent that—in the language of the gentleman from Ohio in his report, "to check," to pre-

vent imports. The farmer nowadays must be content to pick up what he can around home; to sit down at the home table, eating such things as are put before him by those whom he serves, "asking no questions for conscience' sake."

That is what this bill means. It means to exclude the farmer more thoroughly than ever from the foreign market. How? By raising duties all along the line—on hardware, on crockeryware, on glassware, on clothing, on everything except sugar. The Committee of Ways and Means when they were framing this bill saw its injustice; and they saw, too, that, while the manufacturers were growing richer and richer everywhere, the farmers remained poor and many of them were growing poorer. They saw also that the farmers had begun to combine for self-protection. The farmers must be appeased somehow.

How did this committee undertake to do it? First, by granting an increased duty on wool; but to compensate for that they have raised away up yonder the tariff still higher on clothing. Next, the farmer demanded free cotton-ties; the manufacturer demurred, and the duty was raised. The farmer demanded free bagging; the manufacturer demurred, and the duty remains. The Western farmers combined to have at least free twine; but the bagging trust demurred, and twine is put back upon the dutiable-list.

Mr. Blaine saw from the newspapers how this bill was being constructed, and on the 10th of February last he went before the Republican members of the Committee on Ways and Means and protested. But we heard nothing at that time of his visit or his protest. Never was a secret better kept. Not a whisper of it got abroad. It must have been a remarkable sight, that Eastern statesman there protesting, before these representatives of the Western farmer, that the farmer was maltreated in that bill. But the committee was sitting in secret conclave; the Republican members were there; there was no Democratic member present; there was no reporter there; the doors were closed.

Nobody knew anything about Mr. Blaine's protest. Doubtless the Ways and Means Committee hoped that that protest might pass away and nobody ever hear of it again. But Mr. Blaine, to use his own language, or language in the authorized statement put forth by Mr. Curtis, was determined that the Republicans "should not fall into the pit unwarned;" and so he went before the Senate committee in July last, the committee sitting with open doors, the Democratic members present; and he created a sensation.

What did he do there? What did he demand? In this authorized statement it is said: "Mr. Blaine, in the impetuous manner that is characteristic of him, declared that if sugar was placed on the free-list the greatest results sought for and expected by the International Conference would be sacrificed." What he wanted to prevent was the placing of sugar on the free-list; that is to say, he was willing that sugar should be made free, but what he demanded was that corresponding concessions should be made by other nations at the same time.

I hold in my hand a pamphlet, Mr. Speaker, which I got, and which I suppose any gentleman can get on application, from the State Department, relating to the duty on sugar, and on the title page is the language of Mr. Blaine:

Free sugar in the United States should be accompanied by—

Mark this—

accompanied by free breadstuffs and provisions in Spanish America.

Here you do just what he protested against. You free sugar in this bill, but it is not accompanied by any corresponding concessions on the part of any other nation.

But this statement of Mr. Curtis goes on to show what Mr. Blaine said to the Committee on Ways and Means on the 10th day of February:

He begged the committee not to throw away the greatest opportunity ever offered for the extension of the trade of the United States, an opportunity that never would come again, if sugar was placed on the free-list—

Mark this—

If sugar was placed on the free-list without securing corresponding concessions from the sugar-growing nations which comprise 40,000,000 of people.

But—

Says this statement—

the committee were obstinate; they had decided to put sugar on the free-list and would not reconsider their determination.

What Mr. Blaine wanted was that the committee should reconsider their determination to put sugar on the free-list, and hold it in the hands of the Government as a price to be used in the negotiations which he contemplated. "But the committee * * * had decided to put sugar on the free-list and would not reconsider their determination. The tariff on other articles was increased, and, to sweeten that bitter pill to the farmers, free sugar was provided," says this statement.

That is why they did it. Now, after Mr. Blaine went before the committee the Senate undertook to tack on to the bill an amendment which you gentlemen, I suppose, propose to tell the people is to carry out Mr. Blaine's idea. If you do, you can not sustain the proposition. The Hale amendment was Mr. Blaine's idea. The statement by Mr. Curtis shows that Mr. Blaine exhibited an amendment similar to that which Mr. HALE, his friend, subsequently offered in the Senate, which I now hold in my hand. That Hale amendment is drawn on the idea

that the ports of the United States should still be kept closed to the sugar-producing countries of the world by the present tariff until they should make corresponding concessions. The Senate rejected the amendment and put on an amendment that means—what? I have the amendment in my hand. It is—

Sec. 3. That with a view to secure reciprocal trade with countries producing the following articles, and for this purpose, on and after the 1st day of July, 1891, whenever and so often as the President shall be satisfied that the Government of any country producing and exporting sugars, molasses, coffee, tea, and hides, raw and uncured, or any of such articles, imposes duties or other exactions upon the agricultural or other products of the United States, which, in view of the free introduction of such sugar, he may deem to be reciprocally unequal and unreasonable, he shall have the power and it shall be his duty to suspend, by proclamation to that effect, the provisions of this act relating to the free introduction of such sugar, molasses, coffee, tea, and hides, the production of such country, for such time as he shall deem just.

Now that amendment, every lawyer knows, is worth absolutely nothing, because it does not propose a law to go into effect upon the happening of some specific, definite event about which there can be no dispute. Oh, no. That sort of law, though it is only to go into effect in the future, is valid. That is what the Hale amendment did. It was to become effective upon proclamation by the President, based upon certain definite concessions first to be enacted into law by the countries with which we were to negotiate. But this Senate amendment leaves the President to judge whether or not the tariff laws of other countries, in view of our free sugar, are "unreasonable or unequal." It vests in the President authority which can be exercised only by Congress, the power to judge whether a law imposing duties on imports ought or ought not to be enacted. It is worthless for that reason. Congress has, and the President has not, the power to legislate.

But I will not dwell longer on that point. I pass on.

Even if the President had the power which you propose to vest in him by this same amendment, it would be worthless because Congress has thrown away the prize with which the President could negotiate. You can not expect something for nothing. You can not expect nations to release the duties upon which their Governments subsist unless you yourselves have something of value to give.

When the President goes to one of these nations and says, "You have certain tariff laws which are unequal and unreasonable, and I demand that you allow to be introduced free certain of our products," what will be the reply of such nation, say a sugar-producing country of South America? Such nation will say, "Your demand itself is unreasonable, Mr. President, and if I may use such an expression, it is an unequal demand, sir, for you do not make it on all nations, yet your sugar is free equally to all."

"Why, you did not reduce the duty on sugar for my benefit. You reduced it, as Mr. Blaine said, to meet a 'political exigency' at home. You did not trade with us. You were in such a hurry, as Mr. Blaine says, that you did not have time to make a trade. The elections were approaching, and you made sugar free for the benefit of your people, but you gave it to everybody. You gave it to Germany, that interdicts your pork, as you did to me, and you gave it to all nations, and so it is of no value to me whatever."

"When the ship with my sugar and the ship with German sugar come side by side into the port of New York they compete with each other there in a free market just exactly as they competed with each other in the taxed market before, and when the sugar gets in there competition regulates the price at which it is offered, and the taking off of the tax inures to the benefit of the people of the United States, and not to my benefit. Therefore you have offered me nothing. You can not increase my price. You can not put me in a better condition than you put other people."

The President will be bound as an honest man, as he is, to say, "I admit that. I can not do anything that would specifically benefit you; but I can do this: We have commenced reciprocity upon a new idea. We have put behind us all those ideas about 'peace, commerce, and honest friendship with all nations.' That was an old idea of Thomas Jefferson. We have put that away. We have raised the flag, a new flag, of tariff war against all nations. I can not put you in any better position than I put the other nations of the world, because I have already given to them free sugar just as I have given it to you, but I can put you in a worse condition, and I will do it. I will discriminate against you if you do not abolish your tariff duties and allow the products of my country to come in free."

What will be the response of that nation? "I will seek a market elsewhere for my sugar. The world is broad enough for me to find it." And, gentlemen, think for a moment. The whole product of sugar of the world amounts to about 5,876,000 tons. All of these 5,800,000 tons are used somewhere in the world. We import from Latin America less than 800,000 tons. Will you tell me that in a world consuming 5,800,000 tons there is not room enough for these South American countries to find a market for the sugar they now sell us? Why, of this world's supply 3,630,000 tons are beet sugar. Sir, a Republican President would never dare to ask reciprocity under this amendment with the beet sugar producing countries of Europe. That is just what you do not want. You are seeking continually to prevent reciprocity with them; by this bill you are barring out their products because you do not intend that our people shall have these cheap goods.

What is to prevent the countries of Europe from sending us their beet sugar, and then taking in return for their cheap goods the sugar that Latin America sends us? We get \$1,600,000 worth of beet sugar now from Germany. This would be the result if we should wage a tariff war on our neighbors. We would drive all their trade to these European countries, with which they prefer to trade now. Great Britain sends to these countries now merchandise to the value of \$152,584,000, although she only buys of them \$97,542,000. We buy from those countries \$199,960,000, and we export to them only \$82,043,000.

These countries get their goods in England and elsewhere in Europe 40 or 50 per cent. cheaper than they can get them from us. I mean manufactured goods; and as for breadstuffs and provisions, the Argentine Republic and Uruguay are already dangerous competitors of ours even in Europe. Gentlemen are mistaken if they think these countries can not get along without our markets. We are good buyers, but they will not submit to be treated with injustice and inequality. Their trade naturally drifts away from us because our high tariff on raw materials makes high goods. We can compel our own people by law to pay high prices, and unfortunately we do, but we can not compel the South Americans.

Gentlemen may plead for subsidies, as they do here time and again, and say we would have more trade with South America if we had subsidized ship lines. But there never was a greater mistake. There are five regular lines of steamships between the United States and Brazil now. They brought us last year \$53,000,000 worth of goods; they took back only \$7,000,000, and these largely agricultural products. We must reduce our tariff if we want a profitable exchange of commodities.

Mr. Speaker, when we have made sugar free by this bill we have given away all the capital we had to trade on for reciprocity. We have done precisely what Mr. Blaine warned the committee not to do. Let me quote the words of the authorized statement of what he said to the Ways and Means Committee February 10:

He demonstrated to the committee that the removal of the duty on sugar and the increase of the duty on beans and other farm products which we do not import was not going to relieve the farmer from the depression of prices. But—

Says the statement—

the committee were obstinate. They had decided to put sugar on the free-list and would not reconsider that determination. The tariff upon many other articles was increased, and to sweeten the pill free sugar was provided.

What Mr. Blaine wanted and demanded was that they should reconsider and not put sugar on the free-list, but keep it so that free sugar should be accompanied by, that is, come simultaneously and only in company with, "free breadstuffs and provisions in Spanish America." This was what Mr. Blaine said in his letter of June 19 to Mr. Imbs. In his letter to Mr. FRYE he said that we ought to have demanded of Brazil free admission for our products when we made coffee free in this country. And then he said:

To repeat this error with sugar (to an amount three times as large as with coffee) will close all opportunity to establish reciprocity of trade with Latin America.

What free sugar will do is to lower the prices to the American consumer. That it will do this there is no doubt.

That is what it was intended to do, and you will all say it on the stump when you go home, and it will be true; and I do not object to it, but every time you say it there will be the echo of Mr. Blaine's voice coming back from every well-informed man who hears you, "Yes, but it was done to meet this 'political exigency,' it was done to sweeten the pill—this high tariff which you force upon the people; it was done in such a hurry that you did not have time to see if you could make a better trade; it was done in such a way as not to 'open a market for another bushel of wheat or another barrel of corn.'"

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. HERBERT. I ask the gentleman from Tennessee [Mr. McMILLIN] to yield five minutes to me.

Mr. McMILLIN. I would be glad to if I could, but I can not. I have promised all my time.

Mr. McKINLEY. I yield five minutes of our time to the gentleman from Alabama.

Mr. HERBERT. I thank the gentleman from Ohio.

Yes, Mr. Speaker, when this amendment is analyzed it becomes, in the eyes of all intelligent mankind, a political makeshift, a diaphanous pretense, a gauzy sham. The bill must go forth to the world as the naked bill that Mr. Blaine condemned, and that condemnation of it stands. "The increase of the duty on beans and other farm products which we do not import is not going to relieve the farmer from the depression in prices."

Mr. DINGLEY. Will the gentleman permit a single inquiry? I desire to ask the gentleman from Alabama [Mr. HERBERT] if he is not aware that Mr. Blaine has not only given his assent to the reciprocity provision in this bill, but has said that it is immeasurably better than his original proposition?

Mr. HERBERT. Mr. Blaine is a very loyal Republican, and it is not to be expected that after this bill has gone through, after it passed to a point where he has no hope of altering a line or a syllable in it, he would come out and condemn it. I really think the gentleman

must be mistaken about what Mr. Blaine's opinion of it is now. I have quoted here what he said about it heretofore. But I will add that if he expects to accomplish any results under it he is a very sanguine gentleman. That is all I can say.

And now, in conclusion, Mr. Speaker, this bill is to become a law and soon it is to be passed upon at the bar of public opinion. This tariff bill and the pending Federal election bill will go together to be tried by the people at the coming election. This bill is to further enrich the manufacturer at the expense of the tax-payer. The Federal election bill is intended to re-establish negro supremacy at the South. They are the two most iniquitous measures that ever were yoked together and the one is to aid and sustain the other.

When, recently, the election bill was postponed to the next session, the New York Tribune, urging forward the election bill, insisting on its immediate passage and opposing its postponement, declared it was the more important of the two, for on its passage depended "a hundred tariff bills;" that is to say, that if the South is turned over by the election bill to the Republicans and the negroes, high-tariff barons can pass any law they may please.

That election bill I know is to pass and become a law if the Republican party can win the coming election in November, and I know the efforts that are being put forth. South and North emissaries are at work to divide the Democratic party that is fighting these measures. Independent candidates are being brought out to disrupt us; money is being used to corrupt us; newspapers are being subsidized to mislead us.

But I predict, sir, that when the 4th of November comes, from the cotton-fields of the South and the wheat-fields of the North, from workshop and counter, from mines and forests, from hill-top and valley, Democratic liberty-loving freemen will rush to the polls and proclaim in thunder tones, tones that will reverberate in this Hall when we meet in December, that Republican usurpation and aggression must cease. I believe this, sir, because I have an abiding faith in the people.

Democrats may have cause of quarrel among themselves here and there; they have their family disputes; but in the presence of such issues as these brethren will put aside for the time their differences; they will bury them, if need be, "in the deep bosom of the ocean," and will with one voice and as one man command the majority in this Congress to halt; and if that voice shall come up in that way it will be obeyed, for in this country still the voice of the people is the voice of God.

Mr. FLOWER. I yield to the gentleman from New York [Mr. CUMMINGS].

Mr. CUMMINGS. Mr. Speaker, the doctrine of American protection is the most pernicious that has ever pyramided any people. It proposes to deprive men of markets which they may choose, and where they can do the best for themselves. It drains the money of the country from the pockets of the many and concentrates it in the hands of the few—mostly in cities and large manufacturing towns. It makes the head plethoric and the extremities bloodless. It depletes the nation to weakness and gives bonds and mortgages as return nutriment. It hamstring trade. It is adjusted not to bring revenue, but to hinder exchanges. Convulsions will inevitably result from the disorder which it creates.

There can never be permanent rest until there is freedom, and freedom can only come by cutting the ligatures that bind the national arteries. Everybody by this time ought to have learned that commerce means prosperity, and that commerce unnaturally restricted chokes national progress and impoverishes the people. You have no more right to fetter a man in the use of his money than in the earning of it. They are kindred offenses and they bring kindred evils. The commercial motto of the greatest value is to buy where you can buy the cheapest and sell where you can sell the dearest. This is what all are inclined to do. To sell in foreign markets and come home without any further benefits in trade is like using a weaver's shuttle that only carries the thread one way. Half the benefit is lost. The most cruel blow that England has struck at Ireland since the days of Cromwell was the restrictive statutes against Ireland's foreign trade a hundred years ago.

It is about time that the inquiry was made, By what right do you deny people the choice of markets? By what right do you impose penalties upon the advantages that competition brings to the consumer, and grant free markets to the manufacturer? According to this bill, the manufacturer can sell his products untrammelled in any market in the world, but if the consumer crosses the line and makes purchases for his own benefit, you impose penalties upon him, and destroy the advantages which the market would otherwise give him. You extend the markets of the one, you restrict the markets of the other.

The manufacturer is allowed to retain the profit gleaned by his sales in foreign markets, but the consumer is robbed of the profit gained by his purchase in a foreign market of food, clothing, or other necessities or conveniences of life. This robbery is committed so as to give the manufacturer a monopoly of home trade. Whichever way he turns, the consumer is robbed. This bill plunders him if he buys in the foreign market, and the manufacturers rob him if he buys in the home market. They sell their products cheaper in the foreign markets than in the home market, and the consumer is forced by this bill to pay the differ-

ence. The avowed purpose of the bill is to restrict the consumer to the home market. This compels him to pay a premium to manufacturers not exacted from purchasers abroad.

This is protection with a vengeance—American citizens under penalties for being such. The old axiom, "Buy where you can buy the cheapest, and sell where you can sell the dearest," is reversed. Under this McKinley bill you sell where you must sell the cheapest, and buy where you must buy the dearest. And you sell the cheapest in foreign countries, and buy the dearest in your boasted home market.

Mr. Speaker, from the animosity shown to trade in every line of this bill except the free-list, one would think it was to hinder some nefarious practice like piracy or the slave-trade. The free-list stands behind the pilloried articles like pardoned prisoners or emancipated slaves. The mind is astonished when informed that all this bitterness is aimed at peaceful commerce. When, I would like to know, did legitimate trade ever abuse freedom? When did it ever do anything but carry thrift, found institutions, and disseminate beneficence?

Yet this bill would indicate that it is a monster that must be chained; that, like Samson, it must be confined to a tread-mill. Let the Philistines beware; for, blind it and bind it as they will, it will always have power enough to shake the pillars of the temple. It has bridged rivers and lakes, tunneled mountains, gashed isthmuses, and underlaid oceans. Its strength is terrible, but only to its enemies. It is light and life to those who foster it.

Hampered as is trade by this bill, it is not strange that reciprocity has frantically broken out in the State Department, which had been supposed to be protection-proof. It must have vent somewhere.

Smugglers or diplomatists will come to its relief. The association may appear unnatural, but it is forced.

I know that under the right of eminent domain the Government may take private property for public use; but by what right does it interfere with daily individual transactions, and assume to tell a man who has earned his money where he shall spend it?

The advocates of this bill say that a high protective tariff will benefit agriculture. Well, we have had one for some time, and the steady decay of agricultural interests gives the lie to the statement. Under the so-called free-trade Walker tariff farm lands doubled, tripled, and quadrupled in value, according to location. Under the infamous protective system they have depreciated from a third to one-half in value, even in the most favored localities. Under the Walker tariff we had no tramps, few beggars, and no strikes. Under your boasted protective system, tramps swarm, beggars increase in number, and strikes rise to the dignity of civil insurrections.

Under the Walker tariff wealth was more equally distributed. There were not more than half a dozen millionaires in the United States. Now they are counted by hundreds. Mr. Speaker, I am glad that medals are on the free-list, for if a premium were offered for legislative folly the trophy should be awarded to the authors of this bill.

You might as well tie cords around the arteries and intestines of a living body and expect it to have an unfevered head and a healthy stomach as to expect that commerce will do its beneficent work of progress and civilization hampered by the damnable restrictions of this atrocious measure. It is not protection of industry, but deprivation of markets. Like Fourierism and kindred exclusive communities, it eats itself up. It is self-destroying.

But, Mr. Speaker, my time is up. The train is under way at a terrific rate of speed. The whistle of this tariff locomotive is screaming. Gagged and bound, I am still an unwilling passenger upon this Congressional Limited Marauding McKinley train. The Down-east engineer of this Juggernaut express has pulled the throttle wide open, its Illinois stoker is shoveling in the coal, its Buckeye conductor is punching the tickets, and the Protection hoodlums are filling the air with wild hurrahs. Gentlemen, we are nearing the turn, and the cars will certainly jump the track. Again I utter my warning. It is all that I am allowed to do. [Loud applause.]

Here Mr. Cummings's time expired.

[Here the hammer fell.]

Mr. McKINLEY. Mr. Speaker, I desire to yield thirty minutes of our time to the gentleman from Tennessee, for such disposition as he may desire to make of it.

Mr. FLOWER. I now yield to my colleague from New York [Mr. FITCH].

Mr. FITCH. Mr. Speaker, that the theory that commerce is criminal, which has been so eloquently described and so fittingly denounced by my colleague who has just taken his seat, has not always been the doctrine of the Republican party can be easily shown. There is no name so willingly quoted by Republicans as to the principle of protection as that of Alexander Hamilton, and there is no name connected more closely with the practice of Republicanism at the present than that of the distinguished gentleman from Massachusetts [Mr. LODGE]. I quote from the life of Alexander Hamilton, written by Mr. HENRY CABOT LODGE, the following words:

In the year 1791, with all nations protecting manufactures, Hamilton was a protectionist, favoring the protection of nascent industries. At the present day, he would probably be foremost in urging a revision of the tariff and a gradual reduction of duties wherever it could be safely done. In other words, he would now be a moderate protectionist, as he was when he sent in his report, but not

one of those who support a heavy duty in order to furnish to industries already firmly established a protection which accrues solely to the benefit of the manufacturer, and of no one else.

Now, Mr. Speaker, that sentence of my friend from Massachusetts [Mr. LODGE] embodies the objection which I make to this bill. I join with him in wishing to have "a revision of the tariff and a gradual reduction of duties." I am not one of those who expect to see the custom-houses abolished, but I believe we should give to our manufacturers free raw material, so that they may be enabled to go into the markets of the world and compete with other manufacturers so situated, and that we should give to our laboring people the clothing, food, medicine, and tools which they are obliged to buy at the least possible cost to them. This bill increases the very duties which ought to be reduced, and adds to the profits of manufacturers who have already become immensely rich.

The delegation from the city of New York, knowing that argument is useless, desire simply to file here their notice of appeal. This bill touches injuriously everybody in our city, from the men who control our commerce with the world to the children who play in our streets. We know that our protest will have no attention.

New York is a step-child whose existence would be gladly forgotten by the gentlemen in charge of legislation in this House. They took from us, for partisan purposes alone, the chance to give a creditable representation of the anniversary of the discovery of the country. They have, for partisan purposes alone, diminished our weight here and in the electoral college by admitting States into this Union which have not got half the population of the district which I have the honor to represent. And they have followed that up by a census taken in such a careless and partisan manner as to be a gross injustice which New York will always resent.

[Here the hammer fell.]

Mr. FLOWER. I now yield to my colleague [Mr. COVERT].

Mr. COVERT. Mr. Speaker, when the master sculptor, my distinguished friend from Ohio [Mr. McKINLEY], originally presented his work of art to this House we of the minority had hoped that it was the rough cast only of the gigantic monster which was soon thereafter to be placed upon its pedestal and to be known to the world as the McKinley tariff bill. We had hoped that opportunity would be afforded to us of the minority to assist, to some extent at least, in the work of modeling the proportions, and softening the lines, and rounding the curves of this monstrosity.

This privilege, a proper and most reasonable one, was, as the whole country knows, practically denied to us of the minority. The ungainly thing, still but rough clay, with all its imperfections carefully preserved, was wheeled over to the other end of the Capitol, presumably for the purposes of polish and completion.

The whole country watched and waited, hoping, even against hope, that something might be done to make the deformed and shapeless mass more perfect and harmonious. But the country watched and waited in vain for this consummation. Then the conference committees of the two Houses were appointed, and still it was hoped that something might be accomplished in the direction of improvement. In the seclusion of their council chamber, behind closed doors, the conferees were supposed to labor upon this image of rough clay in the effort to reduce its ungainly proportions to something akin to proper form and harmony.

Late yesterday afternoon the figure was wheeled again into this House, the veil was removed, and still standing upon its pedestal was seen this same monstrosity, still the same McKinley tariff bill, with almost all its original crudeness and imperfection exhibited to the world.

I have only opportunity, Mr. Speaker, in the brief time accorded me, to call attention to one or two of these imperfections, and I allude to them as illustrations of the wrong which pervades the whole work.

And first, I desire, if I can, to emphasize what my friend from Georgia [Mr. TURNER] has said with reference to the item of sulphuric acid. The original bill imposed a duty of one-fourth of 1 cent per pound upon this article. When the bill was under discussion I proposed an amendment to strike out this duty and to place the article upon the free-list.

I took occasion then to call the attention of the House to the fact that this article entered very largely into the composition of fertilizers used in every section, and that the retention of the duty would add very largely to the burdens of farmers all over the land. I asked the majority then, in the interests of depressed agriculture, to pass the amendment making this article free of duty. A few members only of the majority party joined in the vote of the minority, and the amendment was rejected.

The bill went to the Senate. There an amendment was adopted to this section, a provision curiously but carefully drawn, revealing at first sight artistic touches, and this amendment is adopted in the conference report now under discussion. It provides for the free admission of sulphuric acid which at the temperature of 60° Fahrenheit does not exceed the specific gravity of 1.380 for use in manufacturing superphosphates of lime or artificial manures of any kind, or for any agricultural purposes.

Examined very superficially, this may appear to be a concession to

agricultural interests. But it requires only a second thought to stamp this amendment as a gross and slovenly fraud upon the interest it is presumed to benefit. Why, Mr. Speaker, in many of the public schools of my district chemistry is taught as a familiar science. Were the members of the Finance Committee of the Senate, were the majority of the conferees of the two Houses so ignorant of the plain teachings of chemistry as not to know that sulphuric acid at the temperature and of the specific gravity named in the Senate amendment is absolutely worthless as an acid for making fertilizers, on account of its weakness? Under these conditions it is not an article of commerce and never has been. Acid at the strength specified is not only too weak for use in fertilizers, but is also too weak to carry by the usual methods of transportation. It does not require the opinion and certificate of the chemist of the Department of Agriculture to demonstrate this. It is known by practical men familiar with the manufacture of fertilizers, and it will soon be known, to their heavy cost, by the farmers of this entire land. This presumed concession is no concession at all. It is utterly and absolutely valueless alike to the manufacturer and the consumer.

My charge is, Mr. Speaker, that in this matter, in the so-called perfection of this part of the bill, deceit has been added to original injury. My prophecy is, that the intelligent farmers of the whole land will resent the injury and that they will neither forget nor forgive the deceit.

And now permit me, in the little time I have remaining, to point out and emphasize another instance of gross wrong in the measure under discussion. This bill, rushed through this House as it was originally, more than doubles the duties on what are known as blankets and felts for printing and paper machines.

The existing rate, the rate that has existed for years, reduced to ad valorem is 52.87 per cent. This bill raises it to 108 per cent. When the measure was under discussion I had an amendment fully prepared and ready for introduction placing the duty on printers' felts at the original rate. But this House well remembers the fate of numberless amendments that other members were anxious to present to the then pending bill. Not only was insufficient time given for general debate, but even amendments were not permitted to be offered after the first few pages of the bill had been discussed under the five-minute rule.

My proposed amendment met the fate of numberless others, and it reposes to-day in my desk, a mute monument to the prevalence of gag-law in the Fifty-first Congress. Publishers of newspapers and books the whole country over are affected and very seriously affected by this large increase of duty. And here again something akin to deceit has been practiced in the imposition of this tax. The existing law provides:

379. Endless belts or felts for paper or printing machines, 20 cents per pound and 30 per cent. ad valorem.

The present bill does not in bold and manly fashion increase in terms and by plain words the duty on printers' felts, but the end is accomplished by the provision striking out this section 379 of the present law. By striking out this section these articles are placed in the list of manufactures of wool not specially provided for, the duty on which is placed at the following rates:

Valued at not more than 40 cents per pound, the duty per pound shall be three and one-half times the duty imposed by this act on a pound of unwashed wool of the first class, and in addition thereto 40 per cent. ad valorem; valued above 40 cents per pound, the duty per pound shall be four times the duty imposed by this act on a pound of unwashed wool of the first class, and in addition thereto 50 per cent. ad valorem.

To determine what the duty is we have to refer to the rate placed on unwashed wool of the first class. This is established in the bill at 11 cents per pound, the present rate being 10 cents. The duty on these felts is therefore a duty amounting to 38½ cents per pound and 40 per cent. ad valorem if valued at not more than 40 cents per pound, and 44 cents per pound and 50 per cent. ad valorem if valued at above 40 cents.

It is not too much to say, Mr. Speaker, that the whole printing trade is most injuriously affected by this heavy increase of duty. But perhaps the burden will fall most grievously upon the proprietors of newspaper and printing offices remote from the larger centers. In these localities the local newspaper is and always has been the people's educator. It should be the policy of the law-making power to conserve the interests of these agents who promote the education and the moral and material improvement of the people.

But it is upon this class of workers, in too many instances struggling hard under existing conditions to maintain themselves, that the blow aimed by this iniquitous provision of the pending measure falls most severely.

I have taken the sections of this bill, thus briefly discussed, as illustrations merely to show how inconsiderately this measure has been formulated. I have singled them out, and the list might be indefinitely extended, to show that the report of the conference committee of the two Houses ought not to be adopted, and to show that a measure thus crudely prepared and thus carelessly considered ought not to become the law of the land.

Everything seemingly has been done for the manufacturer; little or nothing has been conceded to the consumer. Placed finally upon its pedestal and unveiled to the gaze of the whole people, the original monstrosity remains a monster still.

My esteemed colleague [Mr. FITCH] has just said that the New York delegation has filed its notice of appeal from the decision reached in this matter. Hampered by lack of time, under the shadow of the demand for the previous question, we have argued the appeal as best we could. With fullest faith we await the determination of the issue by the last supreme tribunal—the people of this land. [Applause.]

The SPEAKER *pro tempore*. The time of the gentleman from New York has expired.

Mr. FARQUHAR. Mr. Speaker, I desire to ask my colleague [Mr. COVERT] a question.

The SPEAKER *pro tempore*. The time of the gentleman's colleague has expired.

Mr. McKINLEY. I yield the gentleman two minutes.

Mr. FARQUHAR. I suppose my colleague is aware that the great mass of printing on cylinder machines is done with rubber and soft metal.

Mr. COVERT. My information is that while that may be true perhaps to some extent in the large centers and in the larger newspaper establishments, printers' felt or endless belting is still used in country printing offices and small establishments generally.

Mr. FARQUHAR. I know that is the old-fashioned way, but the country printing offices now use broadcloth to a great extent. Therefore, in view of the change which has occurred in this part of the printing business, I do not think there is much force in the gentleman's argument upon that point.

Mr. McKINLEY. I yield five minutes to the gentleman from Illinois [Mr. HITT].

Mr. HITT. Mr. Speaker, while this tariff bill reduces taxes upon many articles and on the whole makes a reduction to the amount of eighty millions, according to the computation of the committee, there are some things on which it increases the duties, and on one list of articles, wines, spirits, and other beverages, it considerably increases taxation. Brandy and other spirits are to be taxed \$2.50 a gallon instead of \$2. Cordials, liqueurs, arrack, absinthe, and other spirituous beverages have a like increase of duty. Champagne and all other sparkling wines are to be taxed \$3 per dozen instead of \$7, and so on through the schedule.

Against this increase there has been earnest protest made.

A powerful home interest of importers and dealers has protested against it, and has covered our tables with circulars protesting, upon the ground that it will diminish the trade in foreign liquors and wines. Perhaps it may, though I understand that the committee aimed to strike the revenue point, to load these articles with as heavy a duty as they would bear without preventing importations, and thus diminishing the revenue; but it was their duty, I maintain, to err, if they erred at all, upon the side of the tax rather than upon the side of the trade.

Even if we should by this tariff diminish a little the amount of brandy and fine wines imported and drank, we can easily bear all the consequences that will fall upon our people in the diminished number of drunkards. There is a powerful foreign interest also opposed to this part of the bill, and besides the plea that this high duty will be hard on the trade, urge that it will disturb our kindly relations with foreign countries. They say so high a tariff on these articles will be almost a discrimination, at least a hostile tariff.

I remind you, Mr. Speaker, that for twelve years past several of the great nations of Europe have discriminated explicitly, straight out by name, against the American Republic, not in reference to luxuries, which are the proper subjects of high taxation, but in reference to the necessities of life, not by high, or very high duties, but by absolute prohibition of American pork, on a false pretense; so that the products of the American farmer are banned in the ports of Europe and condemned as unfit for human consumption. Are those nations, is any one of them, in a position to complain if we lay a high duty on the fine wines and spirits they want to sell to our drinking people of a class who can easily pay the duty?

I believe that there is no reason for sentimental considerations by this House to-day in dealing with these countries or those interests pressing here, when they wish to send us wines and brandies, and clamor for low duties, while they are excluding from their markets the necessities of life sent from the farms of the United States. There is no more proper subject for a high tax than that which is consumed only as a luxury or for display. What else is champagne? How few of our people ever touch champagne when alone, any more than people wear splendid robes and ornaments in the privacy of their chambers? It is ostentation. It is the pride of life that prompts the consumption of this article. Of course people have a right to spend their money for it, but let it bear its burden.

Those who choose to indulge in such luxuries from their abundance should not be allowed to escape taxation. It is righteous. I speak without any appeal to sentimentalism. Without considering the high motives and controlling principles that animate any man who is sincerely a friend of temperance, take this purely as a business question and it is wise by every law of political economy; it is American in the highest sense, in that it protects our people from that which can do them no good and is often a source of trouble and vice and crime. This tariff bill in this and in every part has been framed, not in the

interest of foreigners, foreign capital or foreign labor, but for the benefit of Americans, for the development of American interests, for the protection of American labor, and, let me add, of American morals and homes.

We would be glad to maintain friendly relations and intercourse with all countries. This bill contemplates and provides for reciprocity, especially with nations to the south, in those articles which they produce and we do not produce but need, such as sugar, coffee, etc., in exchange for articles of which we have a surplus, such as our farm products, meat and grain, which they do not produce, and from which we expect them to remove the high duties they now impose, and thus make a wider market for our farmers.

Reciprocity is, of course, to be obtained by friendly negotiations. But this great Republic does not forget its dignity nor go beseeching favor. In this bill Congress provides that, after we have sought to arrange fair terms of reciprocity with those countries to the south, from whose products we now remove so many millions of duties by this new tariff, sixty millions on sugar alone, if they, then, will not meet our liberal action fairly, the strong arm shall be stretched out and these duties, that amount to millions piled on millions, shall be again imposed upon them. The foreign policy of the Republican party is friendly, liberal, comprehensive, but firm, and first and always for our own American people.

So, too, as to the harsh and vexatious discriminations against American pork in European countries. Congress has recently provided for a careful inspection to prove beyond doubt the wholesomeness of that product and destroy every vestige of the pretense still set up against us; but if that be unavailing, if this hostile policy be persisted in, we have also provided a corrective. Congress has clothed the President with power of retaliation by totally excluding from the United States articles which there is reason to believe are deleterious to health, such as the wines known to be largely adulterated. The high duty on wines and spirits in this tariff does not go so far, but all this legislation fits together, is in the same spirit, and works in unison to protect and vindicate American interests.

Mr. McKINLEY. I yield five minutes to the gentleman from Kansas [Mr. PETERS].

Mr. PETERS. Mr. Speaker, personally there are some items in this bill which, if I had my way, I would have changed. But all legislation is in the nature of a compromise. There is scarcely a bill that passes through this House that does not contain some provision which, if the individuality of the member could be impressed upon it, would be changed. But where there are three hundred and thirty of us, representing three hundred and thirty different constituencies, actuated by different motives, representing different interests, we are of necessity required to "give and take." As to the idea of Germany or Great Britain or France interfering with our affairs by reason of any tariff law that we may enact, I do not fear it.

Personally I would be glad if every barrier that could be thrown around the United States to prevent commercial intercourse with foreign countries were strengthened so as to make us a people within ourselves. I would hail with joy the time when we could consume every article that we manufacture, when we could consume every pound of food products raised in this country. I believe the time will come, and it is not far distant, when this country of ours will be the most independent country beneath the sun. We send abroad only about 10 per cent. of our food products. If we can increase the class of consumers so that this 10 per cent. may be consumed here, then we shall be independent of the markets of Liverpool and independent of the markets of Germany. That is one great step in the progressive march which I wish this country to take.

I wish I could change certain features in this bill. I do not like free sugar. I do not like it, because I think it a weakening of the great doctrine of protection. I do not like it because I believe the sugar industry is an infant industry that is growing and growing and will grow until sugar shall become one of the great products of this country. I believe as firmly as I believe anything that the time will come when the United States will produce all the sugar that is consumed by her people. I do not like the bounty feature, because it does not have the permanency that a tariff provision would have. It is more easily susceptible of change—more impressible—more easily repealed. But notwithstanding all that, as I said before, a bill of this kind, with its large interests, must necessarily be in the nature of a compromise. If I can not have the tariff on sugar, then I will accept the bounty as the next best thing. I will "give" in regard to that and "take" from something else.

So far as I am concerned I am unalterably in favor of the doctrine of protection. I believe it is the very life and essence of the American people. I would not in the least disparage our efforts to increase our trade abroad. I would like to see our trade with South America increased. I believe the time will come when a continental railroad will connect us with that country and when we can bid defiance to the ocean steamers that are subsidized by Great Britain and France. I believe the time will come within your lifetime and mine (if we live to be fourscore years) when the iron rails will connect North and South America; when the United States will be able to compete for the trade

of South America with all the nations of the world. When we have our railroads connecting us with that country, then we can bid defiance to the competition that comes from ocean steamers sent out by Germany and France and Great Britain. This doctrine of protection is carrying us along in that direction.

But there is one feature in connection with this tariff legislation to which I wish to call attention, and that will conclude what I have to say. The time has come, Mr. Speaker, when it seems to me the interests of this country demand an end of tariff agitation. I believe it would be a blessing if, after the passage of this bill, we could enact a law which would make it a penitentiary offense for any member to introduce a bill in the next ten years having for its object the revision of the tariff. What we want now is stability. We want the vast interests of the country to realize after we have passed this bill that they can count upon it that it shall not be changed for the next ten years.

It is the agitation of this tariff question that has endangered the business interests of this country. The agitation was brought about by a false pretense. The Democratic party in its campaign said there was an immense surplus. A man who was elected Vice-President of the United States said that surplus was \$500,000,000. That was the origin of this great demand for tariff legislation. It was to some extent acquiesced in by the Republican party, and the Republican party and its leaders are not blameless in that regard. There never was that amount of surplus. There never has been in the history of this country any just demand for tariff revision because of our surplus. I repudiate the idea of our surplus making necessary a revision of the tariff. We have not to-day any more surplus than would be necessary to carry on this Government. But what we need now is, that there shall be an end of tariff agitation and that the business interests of this country may go ahead on the basis of this tariff bill, realizing and believing that it is as firm as the rock of Gibraltar and will be for the next twenty years. [Applause on the Republican side.]

[Here the hammer fell.]

Mr. MCKINLEY. I now yield a few minutes to the gentleman from Tennessee [Mr. EVANS].

Mr. EVANS. Mr. Speaker, I simply propose to refer to three or four items of the present bill, so as to institute a comparison between specific and ad valorem rates of duty.

Much has been said on the other side of the House repeatedly in the course of the argument on the tariff with reference to the increased percentages or duties, and I propose simply to take up two or three of these items—the leading items of the bill in the tariff schedules—for the purpose of comparison.

On the question of steel rails much can be said, and I might also institute a comparison with the present duty on tin. But in reference to steel rails. In 1867 there was no manufactory of steel rails in the United States. In 1868, when the steel mills of Pennsylvania commenced turning out steel rails and supplying the demand in this country, the price of rails was \$165 per ton at the mills. The duty fixed by law was \$28 per ton, or equivalent to 17 per cent. ad valorem. The price of steel rails, however, was gradually reduced at the mills until, at the expiration of ten years, it had fallen from \$165 to \$41 per ton under the influences of the protective tariff then prevailing. If the same percentage was paid—17 per cent. ad valorem—and applied to the present price of rails the duty would be \$4.67 a ton. The duty was reduced in 1883 to \$17 per ton, which amounted to 60 per cent. ad valorem.

The present duty of \$13.44 amounts to a little less than 50 per cent. on the price of the rails at the mills, the average price now being \$27.50 per ton, and although the specific duty has been reduced over 50 per cent., namely, \$28 per ton in 1868, to the proposed duty of \$13.44 per ton under the present bill the ad valorem shows an increase of from 17 per cent. to near 50 per cent. by reason of reduction of price.

With reference to cut nails, the price in 1865, under the Morrill tariff (I mean the wholesale price in Philadelphia), was \$7.75 a keg of 100 pounds, and the duty was 1½ cents per pound, equivalent to 20 per cent. ad valorem. The duty was subsequently reduced to 1¼ cents a pound, and the price last year, the wholesale price in Philadelphia, under this duty, averaged \$2 per hundred, the ad valorem duty amounting to 62½ per cent. The present bill fixes the duty at 1 cent per pound, which is equivalent to 50 per cent. ad valorem.

The same is also true of pig-iron. The average price of coke pig-iron in Pennsylvania in 1865 was \$46.12½ per ton and the duty was \$9, or equivalent to an ad valorem duty of 20 per cent. The price in 1889 of the same class of iron—the average price—in Philadelphia had been reduced by competition, brought about under this system of protection, to \$17.75 per ton. In the mean time the duty had been reduced to \$6.72 per ton. This amounts to 33 per cent. ad valorem. And although the specific duty had been reduced from \$9 per ton to \$6.72 per ton, the ad valorem duty so much talked of by our friends on the other side would appear as having increased from 20 per cent. to 33 per cent.

The average price of bar-iron in Philadelphia in 1865 was \$105 per ton, or an average duty on importations under the schedule of about

25 per cent. ad valorem; and while the price has been gradually reduced under protection, by home competition that has furnished employment to thousands of American workmen at good and remunerative wages, to an average of \$43.40 per ton in 1889 in the same market, the ad valorem duty so much talked of by our Democratic friends has increased to nearly 50 per cent. I regret that the opposition to this bill are obliged to resort to such deceptive figures and methods. I have heard it so often said that the present tariff is higher than the war, or Morrill, tariff, and I only take in my limited time an opportunity to show how they figure to show the people results that are deceptive and misleading. The bill before the House is the result of the most careful and painstaking efforts of the distinguished gentlemen of the Ways and Means Committee after hearing all interests. In my humble opinion it is the most complete and perfect bill that has ever been presented or considered by this House.

It is true that the local interests are not in every case satisfied; it is impossible that they should be; but the measure is one of national importance, and the interests of every section has been considered with reference to the protection of American labor and American industries against the poorly paid labor of all other countries. I had hoped that this House would abolish all internal taxes upon tobacco, and also all internal taxes upon fruit spirits; these are matters of great importance to the people I have the honor to represent upon the floor of this House. I trust that in the near future this House will abolish these taxes, and until all internal-revenue taxes are abolished it would seem that it is impossible to fix duties that will be in thorough accord with protection and not create a surplus or a possible deficiency.

No revenue measure has ever been presented in this House that so carefully and justly protects the interests of the great agricultural producing people of this nation as does the present bill, presented by the honorable gentleman from Ohio and known as the McKinley bill, and I predict that the passage of this measure will be a satisfactory settlement of this great question of protection for many years to come; that it will tend largely to quicken the pulse of trade and commerce throughout the length and breadth of this fair land; that business of all kinds will prosper; that confidence will be restored which has been disturbed by the threatening attitude of the past Administration; and I further predict that this nation, under the wise legislation enacted in the past few months, is about entering upon an era of prosperity surpassing any period in its past history.

The same thing may be also said of bar-iron. In 1865 the price of bar-iron was \$105 per ton, on the average. The duty amounted to about 25 per cent. The price has been gradually reduced until the average price at the mills now in the iron centers is \$43.40 per ton, while the ad valorem duty can be shown to be about 50 per cent.

Here we find, Mr. Speaker, an illustration of the question that is so often referred to on the other side of the House in regard to ad valorem duties, that the ad valorem duties are higher now than they were under the Morrill tariff or the act of 1865. It is true undoubtedly so far as ad valorem duties are concerned; but when the price of these steel rails has been reduced, as I have shown you, from \$165 to \$27.50 per ton, necessarily the ad valorem is higher, and if the duty had been retained at \$28 per ton the ad valorem duties would have been over 100 per cent.

[Here the hammer fell.]

Mr. MCKINLEY. I now yield to the gentleman from Iowa [Mr. DOLLIVER] as much time as he may desire.

Mr. DOLLIVER. Before proceeding I desire to yield a part of my time to my colleague [Mr. SWENEY].

Mr. SWENEY. Mr. Speaker, I support this report and bill because I believe in its general provisions. Had I been framing the bill myself I should without doubt have had some things different, but possibly less wisely on the whole.

This bill, Mr. Speaker, embodies the American idea of protection to the industries as well as to the labor of the country. It is not sectional; but I support it the more gladly because of the belief which I firmly entertain that, more than any other adjustment of the tariff that has ever been had, it protects the interests of the West, and particularly the agricultural interests of that region.

Western men can not all be satisfied with it, and are not; neither are the Eastern or Southern men. As all legislation is, it is something in the nature of a compromise between conflicting interests, but I believe that when the patriotic voice of the country finds expression this bill will receive its hearty indorsement. Patriotism is selfishness, in that it prefers our own country and our own people to any other country and any other people.

It was stated on the floor to-day, on the other side of the House, that the course of our tariff legislation had been such as to leave the United States no friends in the cabinets of Europe.

I am not disturbed over such condition, let me assure my Democratic friends, when I realize that that same legislation has brought better conditions to our people and greater prosperity to our country than any other people or nation have been able to secure. The Republican party seeks to benefit our own people and country, rather than secure the applause of Europe or the approval of European princes or cabinets.

It is a strange commentary on the policy of a great party in this country that it should be fighting in this Capitol the battles of America's commercial rivals.

In the cabinets and councils of Europe, in the chambers of commerce and meetings of manufacturers and exporters of England, France, and Germany, speeches have been made and resolutions adopted denouncing this bill. They declare that it will prove injurious to them. They and our Democratic friends could gather in mass meetings and with perfect unanimity vote for the same resolution and applaud the same speeches.

Recently the English papers were overflowing with accounts of such meetings, with copies of such resolutions. I have numerous extracts cut from English papers which I will not take the time to read. They cry out against our protective system which compels them to pay so heavily for the privilege of putting their products in our markets. They say that by such means they have during the last thirty years been compelled to pay the enormous expenses of our war, to pay off so largely our national debt and for our internal improvements, to relieve our own people of burdens of government and add to the wealth of this country until it is the richest in the world.

They, like the Democratic party, object because, they say, "the tariff is a tax." They say, though, that the tax is upon them, while, with a perversity with which our country is familiar, our Democratic friends say it is a tax on our own people. Either Europeans are better political economists than our Democrats, or they do not feel compelled to contest with a patriotic principle for the sake of partisan advantage.

Republicans and Englishmen see the matter alike in that the foreigner has to pay the duty to a very great extent, but Republicans do not believe that the prosperity of Europe should be promoted at the expense of America or Americans.

Much will be said by Democratic speakers within the next few weeks about the robber tariff, as they and the foreign countries call it. Take, for example, the proposed duty on tin-plate. Fifty thousand men are employed in Europe in making that article for American use.

We want to establish its manufacture here, furnishing employment for that number of our own people, and finding a market with them for products of our farms. We propose to establish it as every great manufactory here has been established, by protecting it from being crushed out as was done near twenty years ago by combined underselling of the foreign product until our own tin works were bankrupted and closed; then putting the prices high enough to recoup all losses.

The increased cost of the laborer's dinner-pail and the tin pans and pails of the farmers will be harped upon by Democratic speakers, utterly oblivious of the fact that if ever one thing was demonstrated in the world it is that no prophecy of Democracy ever came true.

When an industry for which there are natural facilities in this country can secure a fair start, competition among our own people almost invariably reduces prices of domestic products below the price of imported. I cite the wire-nail industry as a sample from innumerable instances which might be cited.

The wire-nail industry is illustrative of the entire protective system. Up to the year 1883 wire nails were all imported by a few concerns in the United States, and they sold at the rate of \$6 a keg. The Republican Congress of 1883 put a duty of 4 cents a pound on them. Our Democratic friends raved about it as a tax. What happened? Why, we began the manufacture, and last year we manufactured in this country about 2,500,000 kegs. Competition has reduced the price here, and instead of the duty of 4 cents a pound "permitting a corresponding increase in price to be laid upon the domestic" wire nails, manufacturers are selling them to-day at 2.2 cents per pound, or a little more than one-half the amount of the tariff.

In this connection the following figures showing the production and average price of wire nails from 1883 to 1889 are given:

Years.	Product.	Average price.
	<i>Kege.</i>	
1883	50,000	\$6.00
1884	75,000	5.00
1885	200,000	4.00
1886	500,000	\$3.65 to 3.10
1887	700,000	3.30 to 2.65
1888	2,000,000	2.60 to 3.30
1889	2,500,000	2.15 to 2.65

Price at time speech was made, \$2.20.

Could anything better show the folly of the Democratic claim that the duty imposed on nails increased the cost to the purchaser?

I believe in this bill—its general provisions—for several reasons. I believe in a reduction of the revenues to the actual requirements of the Government properly administered.

This bill reduces the revenue to that basis. Had not the demands of a patriotic and just people called for an enlarged expenditure for pensions to the sons who defended their country much greater reductions could and would have been made. As it is, from fifty to seventy millions of dollars' reduction of revenue is secured.

I like the bill because the great reduction in revenue occurs where the tariff is unquestionably a tax upon our own people, the duty on sugar. So small a part of our sugar is produced at home that the duty is invariably added to the import price.

That was a tax of \$5 per family, levied on the poor and rich alike;

for, thanks to higher earnings here, sugar is used in the home of the laborer as well as on the table of the rich.

We hope that sugar production will increase so as to supply the country. There is good reason to believe that it will. That the industries already operating in that line may not be blotted out, a bounty equivalent to the present duty per pound is provided for.

I said that I was not fully satisfied with this bill. I believe that it should provide for a duty on hides, which now are, and which through the Democratic Congress and Administration remained, on the free-list.

Last May, when this bill was under discussion, I submitted an amendment putting a duty on hides, and submitted a few remarks in advocacy of the measure, claiming that reciprocity should enter into an adjustment of this tariff revision.

My friend on the other side of the House, the gentleman from Massachusetts [Mr. O'NEIL], dissented for his Democratic brethren and assumed to do so for New England. He said:

I see by the RECORD that the gentleman from Iowa [Mr. SWENNY] has again offered the amendment, twice rejected by the Committee on Ways and Means, putting a duty of 15 per cent. ad valorem on hides. This seems to be in line with the general policy of the bill—everything against New England, nothing for it. And, again, I want to call the attention of the committee to the condition of affairs as they exist in that section of the country to-day. The manufacturers of New England are almost to a man Republicans, and they are almost unquestionably to a man protectionists, but thorough believers in a reduction of the tariff. They are still loyal to their convictions on both those matters to-day, and if, as is sought by the passage of this bill, their every interest is to be disregarded, then they must turn for the true protection of their very life in trade to that party which will insure them some protection.

But even in taking care of Republican interests, I desire again to call the attention of the House to the fact New England has not been taken care of. It may be statesmanship for the members from New England to say that this is a bill for the whole country and not for New England, and that is right, for New England is not in it, nor near it; but I doubt if this immolation of their interests will entirely satisfy their constituents, and there is very little in this bill to show that any attention was given to New England interests.

When New England, and especially Democratic Representatives from New England, so bitterly complain that their interests are sacrificed in this bill to the agricultural West, I realize that possibly zeal in behalf of my section of the country might impel me to secure if I could more than a fair share of protective benefits.

Another thing will be talked of by our Democratic friends—binding-twine. As a punishment to extortionate combinations it could be put on the free-list without causing sorrow to any one but the parties directly interested.

A tariff bill ought not to be tainted with revenge. This bill reduces the duty to seven-tenths of 1 cent per pound, the present duty being 2½ cents, the manila and sisal-grass being put on the free-list. Our Democratic friends can not consistently complain of this bill inasmuch as their Mills bill of two years ago only proposed to reduce the duty to 1½ cents per pound. The seven-tenths of 1 cent per pound on twine retained in this bill will no more than pay the difference in cost of labor in this and other countries. It is reasonable to hope that in the near future the flax fiber of the West, instead of being wasted, will be utilized in the production of binding-twine, thus adding an industry advantageous to agriculture.

Some of these provisions, I say, are not wholly satisfactory to me. I find much, however, that is, and believe that in it the West and agriculture secure greater advantages by protection than has been accorded before, and which will make farming prosper.

On animals and farm products shipped from Canada duties are largely increased. Animals valued at over \$150 each, the duty is 30 per cent. instead of 20; cattle, \$10 per head; sheep, \$1.50; barley, 30 cents per bushel instead of present 10; oats, 15 instead of 10; butter and cheese, 6 instead of 4; beans, 40 instead of 12; hops, 15 instead of 8; hay, \$4 per ton instead of \$2; flaxseed, 25 cents instead of 20; potatoes, 25 cents instead of 15; eggs, 5 cents per dozen instead of being on the free-list as is now the case, and under which law last year nearly \$3,000,000 worth of eggs were imported from other countries.

I believe that by this arrangement of the law the markets of the country will be so held by our farmers as to insure them fair prices for their products. To do this, however, other industries must be maintained from which to pay wages which can buy and pay for the farm products at these fair prices.

Our silver legislation utilizes for money the entire product of our mines and more, and stimulates mining so as to employ more men who will require more of the products of farms; so every encouraged industry will; and for the people of Iowa and the Mississippi Valley, who from the rich soil reap abundant harvests, I discern and prophesy this day as the dawning of a prosperous day, the beginning of years in which the industry of the people whom I am proud to speak for on this floor to-day shall share generously in the grandest national prosperity yet known.

And yet our Democratic friends will vote against each and every proposition in this bill. They will vote to prevent reduction of the revenues as they voted against payment of pensions by the bill of June 27, 1890; against free sugar; against taking 50 per cent. of the articles off the dutiable and putting them on the free list, as this does; against taking the duty off those things which constitute a tax on their countrymen and leaving it on those things which tax only people of other countries who desire to sell in our market; against adding to the duty

on agricultural products which come from abroad into direct competition with the products of American farms.

They will vote so as to please the people of Europe, to make friends in European cabinets and chambers of commerce.

It was because of their propensity to favor what England desired that Sackville-West, the British minister, committed his indiscretion in favor of their Presidential candidate in 1888. British interests are not, and never were, American interests. The Republican party has no hope, no aspiration for European approval. Its hope is for the grandeur, the prosperity, and happiness of America and her people. This bill is for America and Americans. It speaks for them, and them only. By defending the interests and rights of one's country no applause of foreigners is of necessity won.

Those were grand words of the great Iron Chancellor when he said, "We Germans fear God and nothing else." I commend the words to the timid friends on the other side. Fear only God and do your duty. Republicans will protect you. Do not make the smiles of foreign cabinets as well as blight, mildew, floods, and drought the basis of your political hopes.

A few weeks ago, in the discussion of the seal-fishery question, it was stated that a foreign minister served notice on our Government that for seizure of poaching sealing vessels our country would be "held responsible." The Republican party in protecting the interests of our people and country declare themselves and the country ready for all responsibility. It is a responsibility of patriotism. For such responsibility the Republican party stands ready to answer to God and country.

Mr. DOLLIVER. Mr. Speaker, it has been said that this bill fully satisfies nobody in all particulars. I am not surprised that this is so. It could not be reasonably expected that a measure covering the whole field of American interests could be drawn to the perfect satisfaction of everybody. In such great measures the spirit of mutual concession must govern the conduct of all. I am glad that, after months of labor, a bill has been perfected that in so equitable a way applies the doctrine of protection to all American affairs.

The cry that is heard here from New England, that this bill is unfriendly to her interests, does not distress me very much. I have read fifty telegrams from cordage manufacturers, calling upon New England men to kill the tariff bill rather than submit to a rate of less than 1 cent a pound on binding-twine. I do not want to see the cordage industry destroyed, but it is due to the victims of the twine combine on the prairies of the West that binding-twine should come in at seven-tenths of a cent—one-half the rate named in the Mills bill.

We rather enjoy it when we hear a speech like that delivered on this floor May 20, 1890, by my Democratic friend, the eminent gentleman from Massachusetts [Mr. O'NEIL]. Hear him as he bewails the fact that "New England, its people, and its interests have been ignored."

I have no doubt that the Committee on Ways and Means—

Says this weeping Representative—

in making up the bill, intended to prepare a measure for the whole country; but it happens, unfortunately for the section which I represent in part, that the committee overlooked New England. Throughout our interests have been overlooked by this committee; and as one man from that section I protest against the action of the committee in shutting out all consideration of New England industries.

While there is not as much truth in this gloomy view as my Massachusetts Democratic brother thinks, yet there is enough to emphasize the fact that the time has come when the corn country and the wheat country have as much to say about the tariff as the cities and villages of Massachusetts. The new influence of the American farm has been felt in this House since the first day of its session. That is what it means when the products of the farm for the first time take their proper place in the list of protected industries. Democratic campaign literature may claim that the American farm gets no return from the duty on grain, live-stock, poultry, and vegetables. They say the farmers' tariff is a humbug. The foreign competitors of the American farm do not think so. Last year they sent here, to displace the product of our own people, sixty-five million dollars' worth of farm products. Next year they will not do as well. Even now they are running a race with the tariff bill. Yesterday I cut this item from the Washington Post:

KINGSTON, ONTARIO, September 24.

There is a great demand for vessels to carry grain and live-stock to the United States in consequence of the probable passage of the McKinley bill. Double as much barley has been exported up to date as ever was before.

In every schedule of the tariff bill the influence of the great West has been felt, not as an enemy to destroy American industries, but as a friend to build up the American market by a tariff high enough to ward off the successful competition of foreign producers. The united demand of the farmers of the United States has given us free sugar for the first time in our history.

The duty on sugar was not a protective duty. It did not after years of trial stimulate sugar production in the United States. Therefore it became a revenue duty and was in effect, unlike protective duties, a burden upon every consumer of sugar. Under the leadership of Governor GEAR, of Iowa, Congress has given to the people free sugar—saving to them the sum of \$56,000,000 a year. Hereafter a good article of merchantable sugar, good for any use and the best for nearly all the

domestic uses of sugar, comes in free, and will be as cheap in New York as it is in London. The sugar refiners can never again rob the people of the United States, and the duty of five-tenths of a cent a pound left on refined sugar is a moderate protection for a great industry, being much less than was proposed in the Mills bill.

But the production of sugar is a branch of agriculture. There is no good reason why, like France and Germany, we should not by a simple system of bounties build up the beet, sorghum, and cane industry, until the product of our own farms should supply our own people with sugar. We have therefore given to the producer of raw sugar a bounty, equivalent to the old duty, and under that impulse I believe the day is not far distant when the sugar of the American people, cheap as in any country of the world, will be produced on the plantations of the South and on the farms of the West.

It has been loudly claimed that the Republican tariff bill has raised the duties all along the line. The claim is false. The Republican policy has simply followed the national platform of 1888, reducing all duties which could be reduced without inviting a ruinous importation of foreign goods and raising those duties which were not high enough to prevent the agents of foreign houses from coming to New York and driving American manufacturers out of business. We have made an American tariff without much regard to either the interests or the feelings of other countries. Indignation meetings have been held in Sheffield and in other cities of England, Germany, and Austria. They evidently fear over there that the new tariff is likely to be a tax.

I believe that the good sense of the American people will see that the interests of England are not the first concern of the Congress of the United States. Our Democratic friends complain that in this bill we seek not only to protect old industries, but to create new ones. I admit it. The bill openly proposes to establish in the United States at least two industries not heretofore successful, the tin-plate and the linen industry. The Republican party thinks the time has come to make our own tin-plate and stop buying it of a syndicate of English producers.

Wiped out no less than twice by foreign competition, the tin-plate industry is to-day dead and buried under a 1-cent-a-pound revenue duty. That duty is raised to 2½ cents, and the Republican party stakes its judgment that the immediate effect of establishing among us the tin-plate business will be to cheapen the products of tin to the consumers of the United States. Already factories are being put in order to make American tin-plate. In St. Louis, in Chicago, and in Pittsburgh the business will be done, hitherto done in Wales, and 50,000 men will be eagerly exchanging American wages for American bread and meat. Nor will the consumers of tin-plate suffer any more than the consumers of wire nails suffered in 1883, when a tariff of \$2 a keg was put on imported wire nails. They were selling for \$6 a keg. The result was that factories sprung up everywhere and the tariff, instead of taxing the consumer, produced this astonishing result:

In 1883, 50,000 kegs of wire nails were produced in this country; in 1884, 75,000; in 1885, 200,000; in 1886, 500,000; in 1887, 700,000; in 1888, 2,000,000; in 1889, 2,500,000, and the output this year will be 3,000,000 kegs. Here is a total of over 9,000,000 kegs of wire nails produced where not one was produced before, as the result of protection. The average price of wire nails was \$6 a keg in 1883, \$5 in 1884, \$4 in 1885, \$3.50 in 1886, \$2.97 in 1887, \$2.45 in 1888, and \$2.40 in 1889 and 1890. The 9,000,000 kegs were sold for \$23,000,000, including the unsold product of this year. At \$6 a keg, the price before the tariff was made protective in 1883, these nails would have cost the American people, at wholesale, over \$54,000,000.

The free-trade theory is that the tariff is a tax, hence wire nails should cost \$3 a keg. The fact is that the present selling price is \$2.40 a keg. Tin-plate, with adequate protection, will show a similar gain, and in the end lower rather than increase in price, which is at present arbitrarily imposed by English manufacturers.

It is not alone in the tariff bill that the hand of the West is seen in this Congress. This has been called the farmers' year in Congress. I challenge any man to name any session of Congress since the Government was established when so great a variety of useful legislation has been enacted.

A glance at the record of this House, now emancipated from the slavery of obstruction and delay, shows a remarkable list of wise laws enacted to promote the interests of the people. I will not try to enumerate them. First of all, I regard the pension act of June 27 as a splendid step in the direction of justice to the maimed and worn-out veterans of the Union Army.

No nation and no age ever witnessed so substantial an expression of popular gratitude. Yet in the nature of things it falls far short of that full recognition of valor and sacrifice which is in the heart of every patriotic American.

The act of July 12, providing for the free coinage of the whole product of the American silver mines, is a monument to the wisdom of this Congress. It expands the currency by the annual addition of not less than \$60,000,000 and keeps the money of the people as good as gold. The immediate effect of this law has been to advance the price of silver, and with the advance of silver every product of agriculture has felt the influence of advancing prices. It has solved the silver ques-

tion and made the way to the free coinage of the world's silver supply easy and plain.

All this has been done without panic or financial convulsion, and in the light of what we have seen and done the words of Mr. Cleveland's last message to Congress read like the lines of a comedy. He said: "The Secretary recommends the suspension of the further coinage of silver, and in such recommendation I earnestly concur." The comedy lies in the queer fact that the very fellows who are most eager to make Mr. Cleveland President again are to-day the loudest in their pretended friendship for silver. On the other hand listen to the words of President Harrison's first message: "I have always been an advocate of the use of silver in our currency. We are large producers of that metal and should not discredit it." I predict that before the Administration of President Harrison ends silver will be coined by the United States without limit, as gold is now coined.

But beside these great acts of Congress we have seen this House respond in many ways to the reasonable petitions of the farmers of the United States. The act to increase the endowment of the agricultural colleges is an example; also the act to secure the official inspection of meat products for foreign shipment. Men make a great mistake in supposing that the organization of the farmers of the United States means an attack on the American system of protection to American industry. There have been only two protests against the pending tariff bill.

One came from foreign centers of trade and industry and the other from the agents of foreign factories, commonly called importers. These came down here from New York in great trains of palace cars to protest against the preservation of the American market. Their business is to sell foreign goods and they undertook to speak for commerce and agriculture. One of them said to me that they represented more money than there is in the Treasury of the United States. They learned before they got away from this Capital that this Congress has at last got into the control of men who think more of an American factory than of a foreign factory, and who believe that the United States ought to be managed in the interest of its own people.

But while the American farmer is the friend of the American factory, the American furnace, and the busy fields of all American industry, still he demands that the exactions of avarice and greed shall be removed from the American market-place. That is the meaning of the popular demand for a law to define and prohibit trusts and conspiracies in restraint of trade. The act passed by this Congress is in the right direction. Some say it will fail. I deny that it is a failure. In the New York Times of September 13 I find a business advertisement that means a good deal. It relates to the dissolution of the American Cotton-Oil Company, commonly called the Cotton-Oil Trust. Among other things the advertisement says:

In explanation of the large decrease of net profits of the current year, we beg leave to say that hostile legislation and adverse litigation embarrassed the trust organization, impaired its credit, increased its expenses, and crippled its resources.

Already the Department of Justice has begun to move on these enemies of legitimate business. The following is from the New York World of to-day:

United States District Attorney Eubank, acting under direction of the Attorney-General at Washington, yesterday filed a petition in the United States circuit court against the fourteen corporations owning or operating mines and sending coal to Nashville and the three local coal dealers.

This petition alleges that a trust exists between the corporations and firms, and that it fixes the prices of coal and monopolizes and controls the coal trade of Nashville; that lump coal is valued at the mines at 4 cents, the dealer is allowed 4 cents margin, and that one-half of all advances above freight rates is given the mine-owners, and so with other clauses of coal; that the mine-owners obligate themselves to not sell to anybody but members of the Coal Exchange, and that local dealers obligate themselves to not buy from any mine-owner or operator not in the combination.

The petition asks that the parties named be made defendants, and that they be required to answer as to the truth of the charges, and that an injunction be issued that they be enjoined or otherwise prohibited from violating the provisions of the anti-trust act, approved July 2, 1890. This is one of the first proceedings taken under the new law.

The present law will be faithfully executed, and if it finally fails in reaching the result the farmers of the United States will see that it is perfected and that no measure is spared to restore to American business the principle of honorable competition.

The influence of the farm has been seen also in the recent vote in this House for the protection of land against the bogus trade-marks of those pirates who for years have grown rich by swindling and false pretenses. It has been seen also in the law just enacted to forfeit all unearned railroad land grants. Whatever may have been wise thirty years ago, it is evident that the railroads which have not earned their lands by building their roads have no right to the lands and ought to be compelled to restore them to the public domain.

It has been seen also in the measure reported by the Committee on Agriculture intended to define options and futures and to prevent gangs of adventurers in the great centers of trade from kiting in the air the crops of the world—buying without either ability or intention to receive and selling without ability or intention to deliver. This business has been doomed by the adverse judgment of the farmers of the United States. They have taken a whip of small cords and are about to drive from the temples of American trade and business the whole

brood of fraudulent and fictitious dealing. They are not radicals or fanatics. They are the true, conservative forces in American society.

The real anarchist of our day is not the miserable wretch in a garret working out his infernal ideas with gas-pipe and dynamite. We need not fear such a man. The true anarchist in modern times is the bloodless spirit of wealth acquired without conscience, a spirit that in all ages has considered property as a mere possession and treated the commonwealth as a cheap and helpless word.

Against this spirit the farmers of the United States are preparing an organized crusade—not to cripple industries that have been fostered by our laws, not to swamp our own country in a helpless competition with the misery of Europe, but rather to reform the gross and insolent abuses of the modern commerce and to save the American market-place for the legitimate business of the American people. [Applause.]

Mr. MCKINLEY. Mr. Speaker, I yield fifteen minutes of the time of this side to the gentleman from Georgia [Mr. TURNER].

The SPEAKER *pro tempore*. The Chair would inquire of the gentleman from Ohio whether this is in addition to the thirty minutes yielded to the gentleman from Tennessee.

Mr. MCKINLEY. Yes. I have already yielded thirty-five minutes, and I now yield fifteen minutes more, to the other side.

Mr. TURNER, of Georgia. I am greatly indebted to the gentleman from Ohio for his courtesy. I yield such time as I had remaining, together with the fifteen minutes just granted me by the gentleman from Ohio, to the gentleman from Louisiana [Mr. WILKINSON].

The SPEAKER *pro tempore*. The gentleman from Louisiana [Mr. WILKINSON] has seventeen minutes.

Mr. WILKINSON. Mr. Speaker, I well know that what I am about to say will not change a single vote on this question or stop for a single moment the adoption by the majority side of this House of the conference report on this bill.

With scarcely a pretense of deliberation, for a third time this House is called on to take such summary action on this measure as had been decreed by the little junta that control with absolute sway all proceedings here. Time for sufficient argument, explanation, and amendment never has been permitted. The time to change a line or word among all its two hundred pages is gone forever now.

Almost every man beyond yonder aisle will, this evening, cast his vote for this bill. Those on that side whose interests and the interests of whose constituents it has injured or neglected have learned so many lessons of obedience to domination that they will not refuse to take one lesson more before we adjourn.

Those who have been clamorous for the repeal of the taxes on manufactured tobacco will give their assent to a reduction of 2 cents per pound instead of the whole 8 cents per pound which the last Democratic House of Representatives in the Mills bill had cheerfully accorded. With a modesty more commendable in little children than in matured statesmen they will assent to receiving one-quarter of what they asked, one-quarter of what had been promised them and what their people had a right to demand!

And the loudest advocate for free binder-twine will yield obedience to the fiat that has gone forth. Vociferous even as the gentleman from Illinois [Mr. PAYSON] for a trifling benefit to the farmer (which, with binder-twine at seven-tenths cent per pound duty would only amount to a tax of 1.4 cents per acre on the wheat and oats bound), and submitting like him without a murmur to duties on woolen goods twenty times more burdensome to the farmer, even such as he, who "strains at a gnat and swallows a camel," and all like him will vote for this bill.

Mr. Speaker, it is a favorite maxim with the Republican party that the tariff is not a tax—except in those particulars that it suits their convenience to make otherwise.

It is not to be a tax eventually (they reason) so far as tin-plates are concerned. It is a tax so far as sugar is concerned. Some of them seem to think that the duty is a tax so far as binder-twine is concerned. Their delusive idea is that we can shift many of the burdens of government onto the manufacturers of Europe, who will be compelled to deduct our duties out of their prices, thereby contributing largely to the support of our Government.

This is a conclusion, Mr. Speaker, unjustified by the experience of all civilized countries that have ever existed, that somebody else beside themselves must pay the taxes of the Government which gives them its benefits and which they are bound to support. For thousands of years, Mr. Speaker, nothing has been more certain than "death and taxes." While life lasts, while governments exist, we can not escape the one, we can not evade the other.

This Congress, Mr. Speaker, has indulged in a very unusual procedure. It has seen fit, whether justly or unjustly I do not propose now to say, to enormously increase the expenses of the Government. And yet at the same time it proposes now to take from the revenues of the Government, on a single article, a sum as great as the expenses which have been added to it. It proposes to add \$30,000,000 or more to its expenses and at the same time to subtract from its revenues about \$50,000,000 by putting sugar on the free-list. You can not spare the taxes on tobacco? Oh, no.

The members of the committee say that the tobacco taxes, or most of them, are needed, but that the amount received from the sugar du-

ties—about twice as much as the entire internal-revenue taxes on tobacco—that the sugar duties can and should be dispensed with, thereby setting at naught and treating with contempt the declaration of the Chicago platform, which says, in substance, that before one iota of the protective system should be removed or abrogated, the entire internal-revenue system should be abolished.

The taxes on manufactured tobacco (\$18,000,000) can not be spared, but the sugar duties, fifty millions and more, can be dispensed with, say they. How is this possible, I ask, Mr. Speaker? How can the Government add to its expenses fifty millions and more and take away from its receipts a like sum at the same time? It is possible only in one way, and that is to enormously increase other taxes, to raise the tariff on many other things, to add many other burdens in place of the one that is taken off.

Increase taxation on other necessities of life, on household utensils, on blankets, on woolen and linen goods, on clothing, on the glass that lets in warmth and sunlight to our homes, on the roofing that protects us from rain and storm, on a hundred things that I could name—do this as you now propose to finally consummate, and you have indeed made it possible to increase your expenses \$50,000,000 and more, and at the same time to strike down one source of your receipts amounting to a like sum.

And this system of increasing taxation on so many things to make up for its decrease on one is hard on the tax-payer, but it has one great advantage. It enables the Republican party to pay off its political debts to those interests whose lavish contributions bought success in the last campaign.

And what is there so dreadful about this one tax which you remove with so much glee while you increase hundreds of items and permit thousands to remain? *Horrible dictu!* It is a revenue tax. I had a sort of notion that the Government, which has now to collect \$450,000,000 annually, has some need for revenue taxes; that fifty millions of a revenue tax might not come amiss where nine times that amount was needed to pay the expenses of the Government, especially when this revenue tax is not sufficient to pay one-half of a single item of Government expense, the pensions.

And yet if the leaders of the Republican party held these views about a revenue tax, why did they increase very largely the duty on tin-plates, which is purely a revenue duty, and decree at the same time that the duty on sugar, which is a seven-eighths revenue duty, must be abolished?

Has it come to this, Mr. Speaker, that revenue must no longer be an object, especially now, when such tremendous revenues are needed? Must revenue hereafter be the incident, not the object of taxation? Down with the revenue taxes, say the economists of the new school! That tax is to be detested, according to their reasoning, the most of which reaches the Treasury, and that tax to be commended the least of which reaches the Treasury. Carry the new doctrine to its logical conclusion, and that tax would be best of all none of which would reach the Treasury.

Mr. Speaker, sugar must go on the free-list at the will of your party regardless of its rallying cry of protection to American industries, for revenue duty, as the sugar duty chiefly is, under its maintenance has grown up an industry supporting in whole and in part in Louisiana alone nearly half a million of people. You justify your action by professing—and how those professions have been carried out in the very beginning I shall allude to later on—by professing that you mean to do no harm to this industry.

Members of the Ways and Means Committee have expressed the greatest regard, the tenderest solicitude about the welfare of the people in the sugar industry of Louisiana. The gentleman from Ohio, the chairman of the committee [Mr. McKINLEY], often expressed his desire to be just to us; the gentleman from Iowa [Mr. GEAR] has claimed that he would not harm us for anything in the world, and many others have expressed themselves in a similar manner.

The duty on sugar must go, the leaders said, but a bounty of 2 cents a pound would be given in its place. "We will give you protection in its extremest form," and, they might have added, its most unpopular form.

Our position, Mr. Speaker, and the position of the Representatives from Louisiana and the producers from Louisiana has been expressed on this subject in no uncertain voice.

In this Congress, where freedom of speech has been so much curtailed, there has been little time for debate on this subject permitted by the regulators of this House, but in former Congresses more time has been given for its consideration.

The sugar tariff, sir, as the members of this House know, was instituted more than one hundred years ago in the first tariff bill ever enacted in this country.

The sugar producers of Louisiana have protested against the repeal or an inequitable reduction of the sugar duties, but have never come to Congress to ask the imposition of a duty or the increase of one already in existence.

We found the system of finance in relation to the sugar duty instituted by Mr. Madison before there was a single pound of sugar made in this country. We found a system that had been in every tariff bill

ever passed in this country, and we felt that we had a right, under the circumstances, to go on with security in a calling under a financial system that had been justified by the use and experience and wisdom and patriotism of a hundred years.

Not only, Mr. Speaker, was this system of sugar duties in existence in this country, but it prevailed in every country of continental Europe, where in France, Germany, Spain, Italy, Belgium, and Austria the sugar duties are far higher than they are in this country, and where in most of those countries the production of the very article which you now propose to put upon the free-list, starting from a small beginning but a few years ago, has been the source of wealth and prosperity untold.

We have always opposed, Mr. Speaker, the substitution of a bounty in the place of the system of duties that has so long prevailed. We have never asked for the imposition of taxes for our special benefit other than those that have been recognized as just and wise by the course of this country for a century in its methods of raising the revenues for its support and by the example in this particular of almost the entire civilized world.

Mr. Speaker, no party in this country has ever before made such sudden and such sweeping changes in the revenue laws of the country where hundreds of thousands of its people are so vitally interested in a calling which the Government of this country has incidentally, if unintentionally, built up, maintained, and encouraged throughout its whole existence.

Mr. JOSEPH D. TAYLOR. Will the gentleman permit me to ask him a question?

Mr. WILKINSON. I will.

Mr. JOSEPH D. TAYLOR. Does the gentleman maintain that a tariff of 2 cents a pound is not a tax? I believe it is held on your side that a tariff is a tax. Is it any less a tax than a bounty?

Mr. WILKINSON. I said in the very beginning that the tariff was a tax. From a purely revenue standpoint, a tariff of 2 cents per pound going into the people's Treasury for the people's use is certainly less a tax on them than the same amount going out of that Treasury for somebody else's use. And generally speaking, whether from a revenue or a protection standpoint, tariffs go into the Treasury and bounties go out, and that seems to me to be a very material difference. The increase of price of the home product under a tariff, the cheapening of prices by home competition (your favorite doctrine as a Republican)—all these subjects would enter into a proper answer to your question, but I can not go further into the subject, because my time will soon expire, and, as you know, the time on this side is very limited.

Mr. JOSEPH D. TAYLOR. I sympathize with your side on that.

Mr. WILKINSON. Whatever the merits or demerits of the bounty system, whether painted in the bright lines of its own advocates or in the dark ones of our own apprehensions, we looked upon this change as inevitable. The leading members on the other side asserted over and over again that a bounty of 2 cents a pound would be paid instead of the duty, and that no damage would inure to the sugar interest of Louisiana or the rest of the country interested in that culture in making the proposed change. Now, in the face of these assertions, at the very outset, before the law is even passed, much less carried into effect, how have they carried out the repeated pledges that they made?

When the time came for action their solicitude for our interests vanished as the baseless fabric of a summer dream. When the time came to adhere to pledges, made in speeches on this floor, by the action of this House, by the concurrent action of the Senate, the pledges were unredemmed, the most positive utterances now on the pages of our records were utterly ignored or forgotten!

Four members from this House and four from the other undertook to set aside the action of both Houses of Congress which had only given them consideration of their "disagreeing votes," and changed a portion of this bill, which passed the Senate identically the same as it passed the House.

These conferees from the Republican side in secret changed the bounty clause on sugar by increasing the required test to 90 degrees for the bounty of 2 cents and reducing the proposed bounty from 2 cents, as it had passed both the House and the Senate, to 1½ cents between 80 and 90 degrees, thereby striking a blow specially at the producers of the poorer grades of sugar and those least able to bear the blow, and scattering to the four winds of heaven the pledges that had been so repeatedly made.

The doors were guarded fast to keep out every one except a favored few from these secret deliberations where blows were struck at the dearest interests of my people. Ay, Mr. Speaker, they were hidden from the public gaze in their secret chambers, hidden so well that I can only guess whose brain it was that planned the blow and planned it so that no recourse was left for the victims of their wrong. Was this that fair play that Americans are thought to love? Was this justice? Was this a redemption of the pledges that had been so often made?

And what of that other pledge, made not so specifically as the one I have alluded to perhaps, but nevertheless repeatedly made, that no harm should come in making the change from one system to the other? By the terms of this bill as agreed on by the conferees, in the change from

a duty to a bounty, for a number of months there will be neither bounty nor duty. From April 1 to the opening of the Louisiana crop, a period of, say, six months, the duty is to be taken off and no bounty provided. The bill, it is true, says the free sugar and the bounty shall take effect at the same time, on April 1. I quote:

SEC. 241. That the provisions of this act providing terms for the admission of imported sugars and molasses and for the payment of a bounty on sugars of domestic production shall take effect on the 1st day of April, 1891: *Provided*, That on and after the 1st day of March, 1891, and prior to the 1st day of April, 1891, sugars not exceeding No. 16 Dutch standard in color may be refined in bond without payment of duty, and such refined sugars may be transported in bond and stored in bonded warehouse at such points of destination as are provided in existing laws relating to the immediate transportation of dutiable goods in bond, under such laws and regulations as shall be prescribed by the Secretary of the Treasury.

It says in this paragraph that the bounty and free sugar for consumption shall go into effect at the same time, but by a directly contradictory provision in a previous portion of the bill it makes the obtaining of a bounty impossible at that time. It forces the whole crop of Louisiana to go into the market, the most of the part suitable for refining before the 1st of March, and the other portion before the 1st of April. It compels the sale of the whole of the present growing Louisiana crop before the 1st day of April, or after that time its sale in competition with sugar on the free-list without any bounty whatever.

Different members of the conference committee were informed again and again that the Louisiana crop did not all go into consumption until many months after the 1st day of April, and that to compel it to go into consumption before that time without the promised bounty on the portion that would be left unconsumed on April 1 would be the greatest hardship to our people. But the great regard for our interest that had been so often professed, the tender solicitude that had been uttered so often by gentlemen having this matter in charge vanished into thin air, as it had done before when put to the crucial test.

But the gentleman from Ohio, the chairman of the committee [Mr. McKINLEY], said to-day that we had been heard on this question. Sir, we did have a hearing of a few minutes before the Ways and Means Committee, but our urgent and repeated requests to be heard by the conference committee were peremptorily refused.

But, Mr. Speaker, the doors of the conference committee were not always closed.

According to the Philadelphia Press of yesterday—

Mayor Fitter, of Philadelphia, was admitted to the room and made to the committee a detailed statement of the cost of manufacturing binding-twine, with the difference in the wages paid in the mills in this country and in China and other foreign countries, and the number of men that would be thrown out of employment if binding-twine were placed on the free-list, and the value of the plants that would be made useless, and the ruin that would be wrought generally. Every member of the conference committee who listened to Mayor Fitter's statements, and who examined the documents presented on the question, agreed that it would be a legislative outrage of the worst character to put binding-twine on the free-list.

Your doors were open to an outsider, but a Senator, and a Senator-elect from my State, my colleagues and I, representing the interests of 400,000 people, were peremptorily refused a hearing before that conference committee.

Mr. COLEMAN. Will my colleague permit a question?

Mr. WILKINSON. Certainly.

Mr. COLEMAN. Would you have voted for this tariff bill if they had not touched the sugar schedule?

Mr. WILKINSON. No, I would not. [Applause on the Democratic side.]

Mr. COLEMAN. I would.

Mr. WILKINSON. Even if the provisions as to sugar had been made to conform to my views, that one change would not have cured the bill of all the outrageous sectionalism, of all the iniquitous provisions which would have remained in it to tax and oppress the people of this country. [Applause on the Democratic side.]

But, Mr. Speaker, whenever I went to see any of the conferees on this subject, whenever I insisted on devoting to them a small portion of my valuable time, which they were so modest as sometimes to seem loath to accept [laughter]—I make a few exceptions, however—I say whenever I did that there seemed to be a most unaccountable desire on the part of that conferee to go somewhere else; the most pressing business seemed to require his presence in some other portion of the Capitol. A number of them, one after another, said: "Oh, we know all about it; we know all about it; we know just what your people want." That is to say, Mr. Speaker, they knew all about sugar even better than those who had been engaged in the business for many years. They know more about the manufacture of utensils from tin than the gentleman from Missouri [Mr. NIEDRINGHAUS]; more about—

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. WILKINSON. Mr. Speaker, I was promised five minutes by the gentleman from New York [Mr. FLOWER], and I should like to take the time now.

The SPEAKER *pro tempore*. The gentleman from New York, who is not in the Chamber, has given no intimation to the Chair as to the disposition of the remainder of his time, but the Chair accepts the assurance of the gentleman from Louisiana, who will proceed for five minutes.

Mr. WILKINSON. Now, Mr. Speaker, when these individual con-

ferees were such indifferent listeners, as I have described, and protested that the information that was offered them was already possessed by them, I could not help being astounded at the extent and variety of the knowledge that must be possessed by any one man to master in such a complete manner all the vast and varied interests affected by this bill—I felt as Goldsmith says the villagers felt about their schoolmaster:

And still they gazed, and still the wonder grew
That one small head could carry all he knew.

[Laughter.]

I have said, Mr. Speaker, that this was a sectional bill. The gentleman from Ohio [Mr. McKINLEY] told us the other day that this bill was not sectional because it placed a duty on yellow pine higher than the duty on white pine. So far as yellow pine is concerned, there is an enormous quantity of it shipped abroad from the Gulf States—Louisiana, Mississippi, Alabama, and Florida. They are large exporters of it, but import none whatever, and none of the people interested in the business to whom I ever spoke on the subject seemed to care one whit what the duty on yellow pine was.

But, Mr. Speaker, the sectionalism of which I have spoken has not been omitted in the sugar schedule. Maple sirup is given a duty of 20 cents a gallon in addition to the bounty on maple sugar, but cane sirup and cane molasses, all the products of the cane up to 16 Dutch standard, are made free.

Mr. DINGLEY. The gentleman is mistaken as to maple sirup. It was struck out in conference.

Mr. WILKINSON. I based my statement on my understanding of the wording of the sugar schedules, which I have just read in the conference report; but of course I accept the statement of the gentleman from Maine, who was one of the conferees.

But, Mr. Speaker, how about the sectionalism in another respect? This bill proposes to help the beet-growing industry of the Northwest and refuses to help the sugar-cane interest of the South in a similar manner. The bill provides for the free introduction of all machinery for the manufacture of beet-sugar for about two and a half years from last January (from January 1, 1890, to July 1, 1892), but when an amendment was offered in the Senate to admit free of duty the machinery for making cane-sugar by the latest methods, which is almost identical with the latest machinery for making beet-sugar, that amendment was defeated.

Mr. Speaker, I could go on to mention other inequalities, other sectionalism in this bill. I might tell of how twine to tie wheat and oats was enormously decreased and iron ties to fasten cotton enormously increased; how the duty on barley was raised on the one hand and that on rice put down on the other. I have no time to go through the list.

Go on, Republicans; go on and pass by your united or your almost united vote your iniquitous, your sectional bill. Go on, if you choose, and make your boasts before the people all over the country that you have put sugar on the free-list, but for one tax taken off forget not to tell them of the other taxes on the necessities of life that have been enormously increased so as to make that one reduction possible. [Applause on the Democratic side.]

Mr. McMILLIN. I now yield to the gentleman from Texas [Mr. CRAIN].

Mr. CRAIN. Mr. Speaker, availing myself of the latitude allowed in the debate upon the conference report now before the House, I desire to submit some observations upon the political and financial condition of the South as affected by the tariff and by the legislation provided for in the pending measure, and proposed in the force bill, and to call attention to the methods adopted and practiced in the trials of contested-election cases.

These trials are solemn mockeries, solemn in form, mockeries in substance.

We are constituted by the organic law jurors and judges to determine which of the parties to a contest is rightfully entitled to a seat upon the floor of this House; but in truth and in fact, as was said by the Speaker in an article which recently appeared in one of the magazines, contested elections are decided before they are called up for consideration.

As soon as it was manifest that the Republican party had a very slim majority in the House of the Fifty-first Congress, the announcement was made that it had to be increased to "a good working majority;" and the very moment the report of the majority of the Committee on Elections upon any contested case was known to be unfavorable to a sitting member, he began to receive expressions of condolence from his political friends of the minority and of his personal friends among the majority.

The programme of ejection was carried out with great haste in the early part of the session as votes were needed to sustain the course marked out for the majority by the Speaker; but its performance has been much slower of late and some of the contested cases will doubtless go over to the next session.

The correctness of the propositions enunciated by me is demonstrated by the small attendance of members during these trials except when the roll is called.

Hours, and in some instances days, are consumed in debate upon the disputed question which claimant should be seated, and hardly a cor-

poral's guard of members are listeners. The committee is in theory supposed to be unbiased and judicial, but in practice it is too often biased and non-judicial.

The Constitution of the United States and those of the several States provide that the humblest person shall be confronted by his accusers before he can be convicted of a crime, and yet a member of this House was turned out of his seat upon testimony taken during his absence and in a different State from that in which he resided, and when a committee of investigation was asked for by the Democrats in the House it was denied. Another member came here with a majority at his back nearly three times as large as that by which the present Speaker claims a seat in the Fifty-second Congress, and yet at the behest of the majority of the Committee on Elections that member was ejected because it was suspected that all the votes against him had not been counted.

But recently, on an *ex parte* hearing, the people were deprived of the services of a gentleman conspicuous in this House by reason of his natural ability and intellectual acquirements.

VENABLE-LANGSTON CASE—MR. CHEADLE'S STATEMENT.

The country has just seen the Democratic Representatives engaged in a vain protest against the arbitrary and unjust determination of the majority of the Elections Committee to eject Mr. Venable, who was fairly and legally chosen to represent the constituency whose interests are now confided to the hands of a colored bolter.

In the other contested-election cases the Democratic opposition was based upon the presentations made by the Democratic minority, but in this case it rests upon the declaration of a Republican member of this House [Mr. CHEADLE, of Indiana], who has said that he went to the Venable-Langston district prejudiced against Venable's claim, and believing that Langston was elected, but determined to investigate the case for his own guidance and information. What was the result? After spending weeks in the district and examining numerous persons of both political parties he came to the deliberate conclusion that Venable had been elected. He made a speech in his favor, and voted against seating Langston.

In his speech upon the Venable-Langston case Mr. CHEADLE said:

Men of the North may laugh and sneer, if they please, but I tell this House that an honest inquiry will convince the most obturate that in the South when the race issue is raised many Republicans, white and black, will be found voting even against their party and for Democratic candidates in order that they may effectively oppose that most dreaded of all questions in the South, the race issue.

This assertion falling from the lips of a Democrat would be discredited.

After stating that the committee report conceded to Venable a majority of 487 votes over Langston outside of Petersburg, and that according to his investigation of the records and of the precedents in similar cases Venable had the same majority when he came to the Third ward in Petersburg, the last ward considered in the case, Mr. CHEADLE said:

THE THIRD WARD.

The official returns of the Third ward show that there were cast at that precinct for Congressmen a total of 737 votes: For Mr. Venable 518 votes, for Mr. Langston 174 votes, for Mr. Arnold 105 votes.

It is conceded that this ward is now and always has been strongly and reliably Democratic. It is the home of the sitting member, Mr. Venable, and yet the majority report proceeds, first, to set aside the official returns; and, second, by some sort of reasoning, the mode of which I frankly confess I can not comprehend, proceeds to summarily disfranchise electors of that ward as follows: First, the 105 Republicans who in this three-cornered fight had the courage and manhood to vote the Republican ticket for Mr. Arnold; second, all the Democratic electors who voted in this admitted Democratic stronghold, including the members of the election board, and the contestee himself, who lives in that ward and voted at that precinct. The report does not stop at this, but proceeds by some process, either modern or medieval, the particulars of which can not be definitely known, to increase contestant's vote from 174, the number returned by the election board, to 284 votes. I think I am justified by the facts in saying that no more wonderful and audacious revision of an election by the people has ever been attempted.

I think I have demonstrated beyond question the fact that Mr. Venable was elected. I have taken the majority report as it came to Petersburg, and have applied the law and evidence of record to the two precincts they attack, and the result is that the facts, the evidence, the law, and the figures still leave Mr. Venable ahead upon the most liberal construction in favor of contestant. Standing here in my place after an exhaustive study of this case, and measuring the full import of the words I utter, I do not hesitate to declare that this House can not either legally or rightfully exclude the returns of either the Sixth or the Third wards of Petersburg in the light of the law and precedents of adjudicated cases and of the testimony of record in this case.

I have no prejudice whatever in this case. I began a study of it in full sympathy with the contestant, and believing that he had been counted out. I was in the Virginia campaigns in 1888 and 1889, and visited half a dozen counties in the Fourth district. I went there to study and know for myself the true condition of the colored race. I talked with many men of both races; talked with men who had voted for Mr. Arnold, with men who had voted for Mr. Langston, and with men who had voted for Mr. Venable, and I knew very much more when I came away about the issues and relations between the races than when I went there. I had demonstrated to my mind as clearly as a self-evident proposition in mathematics that the division in our party in the Fourth district caused the defeat of the Harrison and Morton electors. If there had been no division in the Fourth district they would have carried the State by 3,500 votes, and the Republican candidate for Congress would have had 9,000 majority.

I have read, Mr. Speaker, of remarkable results in elections, of surprises of various kinds, but I venture the statement that this is the first instance in American history where it has been seriously contemplated to make either Congress or the country believe that any voting precinct can be found in any State which is the home of the Democratic candidate, a precinct that always has been and is now reliably Democratic, where, in a three-cornered fight between a Demo-

crat, a Republican, and an Independent colored candidate for Congress, the latter making his campaign upon the race issue, that it has been deemed wise or proper to contend and hold that all the votes were cast in favor of the race issue. The mere statement of the result sought to be enforced by the majority report in the Third ward in Petersburg demonstrates its ridiculous absurdity.

Apres of the charge against the Southern people of a suppression of votes I call attention to the following tabulated statement from the Chicago Herald:

Here are the figures:	
Massachusetts, males over twenty-one	502,000
Missouri, males over twenty-one	541,000
Massachusetts, total vote	282,395
Missouri, total vote	377,221
Alabama, males over twenty-one	259,884
California, males over twenty-one (no Chinese)	262,583
Alabama, total vote	151,507
California, total vote	184,216

The above figures are taken from the census and election of 1880, and commenting thereon the Herald truly says:

Missouri is classed among the solid South States in which the vote is suppressed and in which bayonets and force are needed to guaranty fair elections, and yet with only 39,000 more males of voting age it casts 115,000 more votes than Massachusetts does.

And yet another table is given in tracing and comparing this suppressed vote. It is as follows:

South Carolina, males over twenty-one	206,789
Minnesota, males over twenty-one	212,399
South Carolina, total vote	170,383
Minnesota, total vote	150,771

This shows clearly, without assigning reasons, where the popular vote is suppressed the most. The Herald continues:

There is a suffrage question at the South the same as there is at the North, but a party that ignores the one and strives by revolutionary means to reach the other is guilty of false pretense as well as of violence. The suppressed vote of the North means as much as the suppressed vote of the South. Neither is wholly attributable to intimidation. Both result in large part from ignorance and indifference.

The inflammatory Republican leaders who thirst for another sectional quarrel should look at home. Their falsehoods and their hypocrisy have been exposed.

Speaker REED, in his speech at Philadelphia on September 23, predicted that "in thirty Congressional districts of this Union the opinions of the people will be suppressed." Is not his appetite for victims satiated? Does he anticipate a Republican control of the next House? Will he and his associates dare to increase the number of Democratic decapitations beyond that reached in this House by such methods as that described by Mr. CHEADLE? He and his party friends prate about ballot-box stuffing and false counting in the South. What do the people of the country think about the act of political legerdemain performed by the majority of the Committee on Elections, whereby all of the Democratic votes in a Democratic ward were rejected, all the Republican votes for the regular Republican nominee were also rejected, and the votes for Langston, the Republican bolter, were increased by 100?

This ballot-box robbery, this ballot-box stuffing, this false count, and this "suppression of the opinions of the people" were done not by Democrats in a county precinct in a Southern State, but by Republican members of this House in a committee-room of the Federal Congress, and ratified by a Republican majority on the floor of the House. What will the people say about national ballot-box stuffers, national ballot-box robbers, national false counters of votes?

In the Committee on Elections the majority of the members are presumed to be jurors and judges conscientious in the discharge of their duties, but too often we find some, if not all of them, conjointly with associates not members of the committee, engaged in the prosecution, not only of contestees, but also of the entire Southern people.

A distinguished English statesman once proclaimed that he could not frame an indictment against a whole people. Were he alive to-day he would witness the extraordinary spectacle of men not only framing an indictment against a whole people, but actually prosecuting, rendering a verdict, and entering a judgment under that indictment—at once prosecutors, jurors, and judges.

During the five sessions of the American Congress that I have been a member of this House I have listened with pent-up indignation to the charges, as mendacious as they were brutal, preferred against the people of the South.

I have heard men ignorantly and maliciously proclaim that the beloved Southland was a nursery and hot-bed for every species of political crime; nay, I have heard the Southern people called murderers, midnight assassins, political robbers, and ballot-box stuffers.

Southern Representatives older than I in years, in experience, and in service in this body have heard the same villainous accusations hurled at our people and have remained silent because, doubtless, they deemed it more patriotic to pity the miserable calumniators of the South than to engage in discussions which might serve as an excuse for scurvy politicians to again wave the "bloody shirt" and arouse Northern fanaticism.

But I believe the day has arrived when it becomes the duty of every Southern Representative to hurl back in the teeth of the accusers of our people the vile calumnies which they utter, whether they be men who by reason of their Northern birth and purely Northern educa-

tion, prejudices, and associations are really ignorant of the true condition of the South, or whether they be renegades who vilify the people among whom they were born or among whom they live lest their loyalty to their new associates might be questioned. The apostate is always the most violent inquisitor, the renegade the most vicious persecutor.

These foul assaults upon the character of the Southern people do not come from the lips of brave men who crossed swords with them on many a bloody battle-field which attested the courage of Americans on both sides; but they fall from men who smelt no gunpowder during the war, except on the Fourth of July, or who were conscripts either of the law or of public opinion. I am tired, heartily tired, of that order of statesmanship whose highest aim seems to be the opening up of old sores and the perpetration of the memories of a war that ended more than a quarter of a century ago; and I think it is the duty of every Representative from the South, for we are all equals here—whether he was a Confederate brigadier or whether, like myself, he did not engage in the fratricidal conflict—to repel the onslaughts of wordy warriors and to show to the people of the North, the East, and the West that the South is as patriotic and loyal to the Union as any other section and that these gentlemen, whose whole stock in statesmanship consists of a mixture of ignorance, malevolence, and mendacity, are mere panderers to prejudice in order to serve their own wicked and selfish ends and aims.

Why, sir, the best evidence of the truth of the proposition that the purpose of the boldest and loudest-mouthed assailants of the Southern people and of their Representatives on this floor is to retain their own seats and Republican ascendancy by appeals to sectional prejudice, exists in their personal associations and their private utterances. The constituents of many a Republican orator would be astonished to see him indulge in social communion with the very men whom a moment before he had denounced as the beneficiaries of Southern political outrages.

Contrast the speech made by a member from Illinois when he was begging the support of Southern Representatives for Chicago as the place at which to hold the World's Fair with the language used by him while advocating the infamous and iniquitous force bill. In the former his utterances were like the flow of milk and honey. He even indulged in poetical allusions to the blue and the gray. He swept aside all political differences. He buried the "bloody shirt" in a grave from which there was to be no resurrection. He waved the glorious Stars and Stripes over a united and happy country; and he welcomed the fair women and the brave men of the sunny South to seats at the grand banquet to be given during the national jubilee which is to be celebrated at Chicago.

In a spirit of broad patriotism fifteen Southern members cast their votes for Chicago, while only ten voted for St. Louis, and among the former I believe there were some whom the Chicago orator afterwards voted to unseat, notwithstanding the beautiful rhetorical bouquet which he had presented them. In his latter speech he sang a different tune; he preached a different sermon. His patriotic fervor had simmered down. He descended from the lofty pinnacle upon which he had perched, and while he acknowledged that he had erred in charging Southern Democrats with being horse-thieves, he said he would hesitate to meet them with ballot-boxes in a dark alley after an election.

This gentleman subsequently led a corps of Democratic filibusters in opposition to the compound-lard bill and made himself popular among the Democrats. The truth is that, like many another fierce assailant of the South upon this floor, his fiery and impassioned denunciations have as much foundation in fact as his recent statement to a Republican crowd that he would prefer a Grand Army badge to the most costly diamond, thereby announcing his willingness to give up four years of his life in order that he might wear an extra button on his coat.

These gentlemen make these speeches for home consumption only, and their constituents ought to know it. They become warm personal friends of the very men whom they publicly arraign as occupants of seats acquired through fraud and crime.

Would this occur if they really believed their own accusations? Would it occur if the men denounced thought that their denunciations were made in good faith? I think not.

Of course all this is neither patriotic nor statesmanlike, but it is called good politics, and so long as it has the desired effect at home the politicians are satisfied. Perhaps the South would profit by following the example of Illinois, where I am told there are no contested elections because the ballots are destroyed as soon as they are counted.

INDICTMENT AGAINST THE SOUTH MET.

But even though the indictment framed against the South be presented upon false testimony it must be met count by count.

We are accused of depriving the colored voters of our section of the right to vote, the right to hold office, and of educational facilities.

The gentleman from Tennessee [Mr. HOUK] in one of his diatribes accused the people among whom he lives of not educating the blacks, and in stentorian tones he cried out, "Give us the Blair bill and let the negro have a chance to show his ability to compete with his white neighbor."

Why did not philanthropic politicians like the gentleman from Ten-

nessee pass the Blair bill, or some kindred measure, when his party invested the colored man with the right to vote and to hold office?

When the Republican party conferred suffrage on the blacks why did it not provide for the education of their children?

Why has that party failed to do this every time it has gained control of the legislative and executive departments of the Government?

Why has it failed to pass the Blair bill at this session?

Its Senators and Representatives were clamorous in preceding Congresses for its enactment, and several times the Senate passed it while the House was Democratic; but at this session, with both Houses Republican, the Blair bill has been defeated by the Senate.

Why has this happened? Has it been owing to the impression that under Democratic control of the House the Blair bill would not become a law, and the colored people could be made to believe that the Democrats were responsible for its failure? How will its present failure be explained when both Houses and the President are Republican?

A large majority of the Democrats have opposed the Blair bill because it is unconstitutional, unwise, and unnecessary. The Southern States, with their hitherto very limited resources, have been doing as much for the education of their children, without discrimination upon the basis of color, as the other States of the Union, in proportion to wealth and population.

In proof of this proposition I have only to call the attention of the House and of the country to the following extract from a speech delivered by the junior Senator from Kansas upon the floor of the Senate, which will be found upon pages 2022 and 2023 of the CONGRESSIONAL RECORD of this session, and to the answers furnished by the governors of the Southern States and three Western States, including Tennessee, where slavery prevailed, to certain questions propounded to them by me regarding the educational facilities of their respective States. Senator PLUMB, in discussing the Blair bill, said:

As Southern support fell off the Senator from New Hampshire [Mr. BLAIR] found greater and still greater need for Federal aid to education in the North, while yet bidding for Southern support by the terms of the bill (the Blair bill) and by new arguments in its favor. The bill, upon careful scrutiny, was found to be a measure for the education chiefly of white children, to the measurable exclusion of the blacks. So, as from time to time the horizon of the Senator from New Hampshire grew, he began to find more conspicuous illustrations of illiteracy in the North than in the South.

I do not wonder, when I read from a report of the commissioner of education of his own State, that he came to see finally that it was not the South that needed this money, but the North, and that this was only a stepping-stone to the idea to be manifested hereafter, no doubt, that it was New Hampshire, not Alabama, the Senator had in mind. I read now from the report of the superintendent of public instruction of New Hampshire for the year 1885:

"But there are a few sections, I regret to report, in which the accommodations provided for the education of children indicate an intellectual and moral sense but little above the level of barbarism.

"In these localities, to save the paltry pittance of a school tax, the pupils are driven into a hovel of learning, in which for several hours a day they are boxed into an atmosphere reeking with invisible filth and loaded with disease, or compelled to sit in a chilling draught that drives out one devil to make room for seven others, and loads the church-yard with innocent victims of parental meanness.

"These wrecks of a bygone age are located, not infrequently, seemingly with malignant skill and Herodian intent, near stagnant frog-ponds or miasmatic bogs festering with the germs of disease and supplied, if at all, with contaminated water. The seats seem designed for engines of torture or instruments intended for effecting a permanent deformity, like Chinese shoes, in the plastic limbs of youth. But that no element of ruin may be unused, the children are treated like an army on the march, and the school-house left with no out-building for the accommodation of the school, so that little children and larger boys and girls, associating on the dangerous neutral ground between youth and maturity, are forced to meet the calls of nature as accident or necessity may indicate. Thus, in these seminaries of learning, the conditions of stench, filth, and vice are furnished by parental care and forethought in which to develop the tastes and morals of the future citizens of the Republic.

"These people should not marvel if they reap corruption, for whatsoever a man soweth, that shall he also reap. My language is plain, but not untruthful or extravagant, and it is time these things were spoken."

This looks as though the Senator's own State was as much or more in need of aid than any Southern State. The Senator also found abundant facts pertaining to other localities in the North to justify him in his new theory that education is languishing generally for lack of Federal aid, and in all his statements and in all his illustrations he has sought to warn the Northern people that "it was not the South which most needed this bill, but the North."

What do gentlemen think of this remarkable answer of a Republican Senator to the charge that the South is behind in the cause of education?

It would seem that Federal aid for education and common decency was more necessary in New Hampshire than in the South.

The following were the questions propounded to the governors:

1. What was the scholastic population of your State during the last fiscal year?
 2. How was the scholastic population divided with reference to color?
 3. What amount of public money was expended in your State during the last fiscal year for educational purposes?
 4. Was any distinction made on the basis of color in the distribution of the school fund?
 5. What proportion of the taxes levied for school purposes was paid by the white and colored tax-payers respectively?
 6. Have you normal schools for the education of white and colored teachers?
 7. Has there been a marked improvement in the condition of your school system during the past ten years?
 8. Are your permanent and annual school funds increasing in volume?
- I hold in my hand the answers of the governors to these interroga-

tories. I shall not tire the House by reading all of them, but will incorporate them in my remarks in the RECORD.

DEPARTMENT OF EDUCATION, Austin, Tex., January 21, 1890.

DEAR SIR: The communication from Hon. W. H. CRAIN, member of Congress, under date of January, 1890, addressed to you and referred by you to the department of education, has been duly received, and in pursuance with your request, the following answers are furnished from official data to the questions propounded by Mr. CRAIN:

I. The scholastic population of the State of Texas for the fiscal year ending August 31, 1889, is 528,110.

II. The scholastic population is divided with reference to color in the proportion of one negro child to three white children.

III. The amount of public money expended during the fiscal year ending August 31, 1889, for educational purposes from school funds was \$2,998,347.39. To this amount should be added expenditures from funds derived from sales of bonds in cities and towns for building and equipping school-houses, \$300,000, making a total expenditure for educational purposes \$3,298,347.39. This amount does not include the expenditures for the State University, the Agricultural and Mechanical College, and the deaf, and dumb, and blind asylums, which aggregate \$200,000, giving a total of \$3,498,347.39.

IV. No distinction is made, nor can be made, on the basis of color in the distribution of the school fund, such distinction being forbidden both by the organic and statutory law, and, as a matter of fact, none has been made.

V. The proportion of taxes levied for school purposes paid by the colored taxpayers of the State is about one-thirty-third of the entire amount of taxes levied and paid for this purpose.

VI. One State normal school, the Sam Houston Normal Institute, is supported by the State for the education of white teachers, and one State normal school, the Prairie View Institute, is supported by the State for the education of colored teachers. The annual State appropriations to these schools pay the salaries of the faculties of the schools and furnish scholarships to about two hundred students in addition. The buildings and grounds of the normal school for the negroes are superior to those of the normal school supported for white teachers.

VII. During the past ten years the public-school system of this State has been built up practically *ab initio*, so that the average school term of the State is about five and eight-tenths months, and the average salaries of the teachers about \$15 per month, which is about \$4 more than the average in the United States. The steady growth of the public-school sentiment is conclusively shown by the extension of local taxation, by which the State and county funds are being supplemented.

VIII. The permanent school fund of the State is increasing at the rate of about \$1,000,000 per annum. The annual receipts of school funds are increasing by the interest on this increase of the permanent school fund of the State, the increase of the permanent county school fund, and by the extension of local taxation in school districts. The annual expenditures for school purposes for the fiscal year ending August 31, 1889, exceeded the expenditures for the year ending August 31, 1888, about \$400,000.

I have the honor to be, yours, very respectfully,

OSCAR H. COOPER,
State Superintendent Public Instruction.

To His Excellency the GOVERNOR OF TEXAS, Austin, Tex.

[Extract from speech of Governor Ross delivered at Sunset, October 13, 1888.]

The Democrats have been in power in Texas about fourteen years, but the present school system has been in operation only about ten years. During the last ten years the Democrats of Texas have paid to support public schools for the colored children as follows:

School year.	Colored children.	Pro rata.	Amount distributed.
1879-'80.....	57,701	\$3.00	\$172,403.00
1880-'81.....	66,777	3.00	200,331.00
1881-'82.....	68,615	3.23	221,048.75
1882-'83.....	75,341	3.61	272,357.70
1883-'84.....	80,065	4.50	360,282.50
1884-'85.....	103,560	5.00	517,800.00
1885-'86.....	115,941	5.20	602,893.20
1886-'87.....	124,842	4.75	592,999.50
1887-'88.....	125,315	4.50	563,817.50
1888-'89.....	135,134	4.00	540,736.00

In ten years the colored scholastic population increased 134 per cent. and the white 113 per cent. Owing to overestimates of the available school fund in 1885 and 1886 there were deficiencies which had to be met out of the school revenues of the year 1888-'89, reducing the pro rata, by which reduction the white and colored children suffered equally.

The increase of the colored children in Texas, notwithstanding the "bloody" reign of the Democracy, is a remarkable circumstance. It is far greater than the natural increase, and greater than the rate of increase of the white children. Where have the colored children come from? Speculative colored and white Republicans have hatched schemes to carry off to Kansas, Missouri, California, and South America the colored population of Texas. Thousands have gone to Kansas and California. If Cuney, Dick Allen, Radcliff Platt, and other bloody-shirt shriekers in Texas are correct, many of their race have been murdered by the white Democrats. But the race has more than doubled in Texas in ten years.

The foregoing figures are to be found in the reports of the educational department. In the ten years up to this date the Democrats of Texas have established two thousand nine hundred and eighty-one colored schools, employing as many colored teachers. These teachers are officers of the State, and ninety-nine out of every one hundred of them Republicans. Their politics are not inquired into. Then for some ten years the State has been educating colored teachers at the State normal, near Hempstead. Not less than four hundred teachers have been rendered proficient as pedagogues by that institute. Large and commodious additions are now under construction, paid for in the main by Democratic taxpayers.

The State is now building a large and handsome brick addition to the deaf and dumb and blind asylum for colored inmates. About \$50,000 have been expended on that institution. A colored Republican has charge of it, appointed by Democrats, although there were white Democratic applicants for the place, and among them a surgeon in the State lunatic asylum. The Democrats have also supported colored summer normal schools where such schools for the whites were supported.

The State receives colored lunatics into its insane asylums without inquiry as to color, race, or previous condition. They cost the State \$40,000 per annum. The policy of the Democrats in paying 2,981 colored teachers \$500,000 per annum, in caring for colored lunatics at a cost of \$40,000 per annum in supporting

their deaf and dumb and blind asylum, say \$15,000 per annum, altogether about \$65,000 yearly, is not easily understood away up North. The Democrat loves his money as well as other people. How is it he pays so liberally to elevate and care for the negroes, always found voting against him? Certainly there is only one explanation, and it is that the Democrats of Texas have agreed the negro shall enjoy equal rights before the law, and, cost what it may, they will, whether the party's majority is 135,000 or 5,000, accord the negro whatever the contract calls for.

The race has been thus afforded a good chance to improve, and it is known by the white people of Texas that the negro has advanced marvelously. They were for years led as so many chained slaves by their white political leaders; now they rule supremely those old leaders. They have made rapid progress in education and personal independence. They have in Texas thousands of accomplished teachers and preachers and many political orators able to cope with the gifted speakers of the white race. Democrats have contributed largely to this triumph. It is a singular notion that Democrats could be hostile to the negro. It would be idiotic to yearly hand out \$65,000 for the negro's advancement if the Democrats designed to suppress them. Education will strengthen them for any contest. If kept in blind ignorance they might be governed to extinction by the white race, stronger in numbers, wealth, and intelligence.

MY DEAR SIR: I sent you on yesterday the information you requested and suggested that in a speech made by myself in the last canvass could be found additional statistics. Since mailing the former letter I have procured the data mentioned and send it herein.

Respectfully,

L. S. R.

Hon. W. H. CRAIN.

STATE OF ALABAMA, EXECUTIVE DEPARTMENT,
Office of the Governor, Montgomery, January 27, 1890.

MY DEAR SIR: Replying to your esteemed favor of some days since written to Governor Seay, I have to say that the governor has not the information necessary to answer precisely and reliably the questions you put concerning schools in Alabama, and he has in consequence to beg that you will not use him as your authority for the answers appended. These answers were prepared by the State superintendent of education, Hon. Solomon Palmer.

I am, with great respect, yours very truly,

THOS. H. CLARK,
Recording Secretary.

1. Whites, 272,730; colored, 212,821.
2. As above.
3. From general fund, for whites, \$311,405.52; colored, \$208,217.82. Local fund besides this for both races, \$184,359.28.
4. None whatever.
5. I estimate 5 per cent. by colored, remainder by whites.
6. Yes; four for whites, three for colored.
7. Yes.
8. Yes; each year.

ARKANSAS.

1. Four hundred and three thousand nine hundred and sixty-five.
2. White, 297,665; black, 106,900.
3. One million three hundred and eighty-three thousand nine hundred and nine dollars.
4. None.
5. Colored pay very little of tax.
6. One for colored; none for white.
7. Yes.
8. Yes.

Respectfully,

JAMES P. EAGLE, Governor.

STATE OF FLORIDA, EXECUTIVE OFFICE,
Tallahassee, January 21, 1890.

DEAR SIR: I beg to acknowledge the receipt of your favor of the 11th instant, requesting information in reference to the educational statistics in this State, which I take great pleasure in complying with by answering your questions, as follows:

1. One hundred and thirteen thousand six hundred and forty-nine.
2. White, 60,783; colored, 82,965.
3. There was expended in all \$515,490.
4. There was none.
5. White about 90 per cent.; colored about 10 per cent.
6. Yes. One at De Funiak Springs for whites and one at Tallahassee for the colored. The same amount is appropriated for the support of each.
7. Yes. The increase for ten years up to the end of 1888, as shown by my last message to the Legislature, was in number of schools 127 per cent., attendance of pupils 123 per cent., and value of school property 248 per cent.
8. Yes. Steadily increasing.

I am, very respectfully, yours,

FRANCIS P. FLEMING, Governor.

Hon. W. H. CRAIN,

Member of Congress, Washington, D. C.

THE GOVERNOR'S OFFICE, Atlanta, Ga., April 19, 1890.

MY DEAR SIR: Among a mass of letters which have been in some way mislaid I find your letter of January 13, which I fear has never been answered. I have referred the matter to our commissioner of education, and he has incorporated into the body of your letter the replies to your questions. I am afraid that so much time has elapsed since your letter was received that the information contained will reach you too late to be of service. I, however, forward you the letter and trust that you may be able to utilize in some way the facts contained therein. Again regretting this unintentional delay, I am,

Very truly yours,

J. B. GORDON.

Hon. W. H. CRAIN, Washington, D. C.

1. Five hundred and sixty thousand two hundred and eighty-one.
2. Whites, 292,624; colored, 267,657.
3. One million seventy-five thousand dollars in round numbers, of which the State paid \$675,000 and local systems \$400,000. For 1890 the State will pay \$817,000 and local systems about \$500,000, making total expenditure over \$1,300,000.
4. The constitution of the State distinctly provides that each race shall share alike in proportion to their numbers, and the State school commissioner is earnestly carrying out this provision.
5. By the whites 97.4 per cent.; by the negroes 2.6 per cent.; or, by the whites thirty-seven-thirty-eighths, by negroes one-thirty-eighth. This is proportion of assessed property and of total taxes paid thereon. To this must be added the proportion of the poll-tax paid by the negroes, which is inconsiderable.

6. None already in operation except the county institutes and annual Peabody institutes.
7. Decidedly, and especially in the past two years, and if we only had Federal aid, in eight years we would not have in the entire State an illiterate of school age. We urgently desire the passage of the Blair bill.
8. Annual school fund steadily increasing, but not as rapidly as if our abilities to meet this demand upon our means were greater.

EXECUTIVE DEPARTMENT, Frankfort, January 22, 1890.

DEAR SIR: In response to your letter of 13th instant to Governor Buckner, I have the honor to hand you herewith the information asked for.

Very respectfully,

W. R. GRIFFITH, Private Secretary.

Hon. W. H. CRAIN, Washington, D. C.

OFFICE OF SUPERINTENDENT PUBLIC INSTRUCTION,
Frankfort, January 21, 1890.

- Scholastic population of Kentucky in June, 1889, 676,806.
 - Divided, with reference to color, as follows: White, 565,451; colored, 111,355.
 - Amount of public money expended during last school year:
- | | |
|--|----------------|
| State fund | \$1,390,986.95 |
| From local taxation, subscription, etc. | 700,525.39 |
| Total | 2,091,512.34 |

- No distinction made on the basis of color in the distribution of State fund.
- Proportion of taxes levied for school purposes, paid by colored tax-payers in 1887, is 1.18 per cent. For this year, 1887, it required \$153,426.19 from the white tax-payers to equalize the per capita between the white and the colored schools. Since that school year the school taxes have not been kept separate, but the large and continuous deficiency in the colored school fund is regularly and fully supplied by the white tax-payers.
- We have white and colored normal schools, the chief of which are the white normal school at Lexington and the State colored normal school at Frankfort.
- There has been a marked improvement in the condition of both the white and the colored schools during the past ten years, and especially for the past three years.
- The permanent school fund is not increasing, because it is a fixed fund, but the annual school fund, which is 22 cents on each hundred dollars of taxable property in the State, is steadily increasing, as the assessed value of property in the State is steadily increasing.

JOS. DESHA PICKETT,
Superintendent Public Instruction.

The school year begins on the 1st day of July and terminates on the 30th day of June—the same as the fiscal year.

J. D. P.

EXECUTIVE DEPARTMENT, STATE OF LOUISIANA,
Baton Rouge, January 22, 1890.

DEAR SIR: Please find inclosed a letter from the superintendent of public education, written me in response to a letter which I myself received some time ago from you.

Very respectfully,

FRANCIS T. NICHOLLS.

Hon. W. H. CRAIN, M. C., Washington, D. C.

OFFICE OF THE STATE SUPERINTENDENT OF PUBLIC EDUCATION,
Baton Rouge, January 22, 1890.

GOVERNOR: In response to recent request made by you for certain school statistics, I beg leave to submit the following answers to the questions propounded as being as nearly correct as it is possible for me to ascertain at this time.

- Three hundred and forty-six thousand one hundred and seventy-eight, as taken from the assessor's reports.
- This can be answered as to the year 1888 only, as the statistical reports for 1889 have not been received in sufficient number to enable me to even make an approximate statement; nor can it be answered with reference to the entire scholastic population.
- It can be answered only as to the actual enrollment of pupils, which is as follows: Whites, 74,634; colored, 51,539; total enrollment, 126,173.
- For the common schools the amount expended was \$344,268.61. This does not include the amounts appropriated annually for the State University, State Normal School, Deaf and Dumb Institute, Institution for the Blind, and Southern University (for the colored people), which aggregate, for the first half of 1890, \$46,500, as follows: For the blind, \$7,500; for the deaf and dumb, \$13,000; for the State University and Agricultural and Mechanical College, \$10,000; for the State Normal School, \$8,500; and for the Southern University (for the colored people), \$7,500.
- Article 224 of the constitution reads: "There shall be free public schools established by the General Assembly throughout the State for the education of all children of the State between the ages of six and eighteen years," etc. "And all moneys so raised, except the poll-tax, shall be distributed to each parish in proportion to the number of children between the ages of six and eighteen years." All moneys are apportioned in exact accordance with this article of the constitution.
- Very few of the colored people, comparatively speaking, own real estate; personal property amounting to \$500 is exempted. A very small per cent. of them own over the amount exempted. There is no distinction of color made in the assessment and collection of taxes; therefore there is really no way of getting immediately at this question. The amount paid by the colored people is extremely small.
- Yes. The State Normal School for the whites located at Natchitoches, La., and for the colored teachers there is a normal department attached to the Southern University (for colored people) in the city of New Orleans.
- There has been a marked improvement in the schools during the past ten years, but not such as we would desire.
- We are hampered by the Constitution in the limit of the appropriations for school purposes, and until it is made possible to increase these appropriations there can not be the improvement in the system that the times demand.
- Can not say that they are. See answer to seventh question.

Hoping this will be of service to you, I remain,
Yours, truly,

JOS. A. BREAUX,

State Superintendent of Public Education.

His Excellency FRANCIS T. NICHOLLS,
Governor of Louisiana.

STATE OF MARYLAND, DEPARTMENT OF PUBLIC EDUCATION,
OFFICE OF THE STATE BOARD OF EDUCATION,
Baltimore, January 20, 1890.

DEAR SIR: I have had some difficulty in replying to yours of the 13th instant, owing to my manuscript of last year's report being partly lost by the printer and the printed copy not having reached me, though the governor tells me he has sent one to you. From notes and general recollection I give the following answers, which I think are exact:

- 1 and 2. As to the "scholastic population of the State of Maryland," no census has been taken since the United States census of 1880, which shows that the persons who had a right at that time to attend school were 295,123, of whom 64,409 were colored. The actual number enrolled in the year ending June 30, 1889, was: white 145,398, colored 34,072.
3. The amount of money expended in the last fiscal year for public-school purposes was \$1,897,008.79.
4. The colored schools have a prior lien on the State school tax to the amount of \$100,000 certain, and a probable addition of \$25,000. The colored schools have also from the county school board whatever amount that board thinks fit to appropriate.
5. No separate account has been kept (or reported) of the taxes paid by colored people separately.
6. We have a normal school for white teachers and another for colored teachers.
7. There has been a gradual improvement in our schools during the last ten years, but comparing it with the previous ten, I do not care to call it a "marked" improvement.
8. The permanent school fund as at present arranged can not increase. The annual appropriations from the counties and the city of Baltimore show a constant advance. We have no local taxation. The city (Baltimore) and the counties, severally, are the lowest units of taxable basis. The State school tax is distributed on the basis of population (white and colored between five and twenty). But when the tax is distributed (to the counties and the city) the State control ceases, and the expenditure is vested in the county and city school boards.

I shall be pleased to furnish you with any other information in my power.

Yours, very truly,

M. A. NEWELL, Superintendent, etc.

Hon. W. H. CRAIN,

House of Representatives, Washington, D. C.

P. S.—The total amount paid to colored schools last year was \$196,550.17.

MISSISSIPPI.

- Four hundred and sixty-four thousand four hundred and seventy-four.
- Whites, 191,792; colored, 272,682.
- One million one hundred and seventeen thousand one hundred and ten dollars for public schools; \$110,000 for colleges.
- None; we treat all alike.
- Whites pay at least 93 per cent.
- None for whites; two for colored.
- Yes; increase in average attendance: Whites, 24,335; colored, 28,118.
- Yes; increase in amount expended for free schools in 1889 as compared with 1880, \$286,406.

Answered by—

J. R. PRESTON,

State Superintendent Public Education.

JACKSON, Miss., January 24, 1890.

DEPARTMENT OF EDUCATION, Jefferson City, Mo., January 21, 1890.

DEAR SIR: Your letter to the governor, referred to me, is at hand. Will answer questions in order asked.

- Total enumeration of children over six and under twenty, last May 15, 1,865,364.
- White, 816,886; colored, 48,478; total, 1,865,364.
- Expended for school purposes for the year ending June 30, 1890, \$4,767,371.
- None whatever. Negro schools are run just the same as the white schools, only negro children are granted more privileges, namely: It requires thirty children to form and run a district for white children, but fifteen colored children are entitled to a separate school. Negro children, when there are not fifteen in a district, can attend any negro school in the county, and the district from which they come must pay their tuition. This privilege is not granted to whites.
- Have no statistics that will aid me in answering, but I am sure that they do not pay one-thousandth part of the school tax.
- We have three white State normals and one negro State normal. The State supports these schools.
- The schools have improved more in the last ten years than in the thirty years preceding.
- Our State, county, and township "permanent school funds" increase annually at the rate of about \$160,000 a year.

I know not the purpose for which you desire these statistics; if to aid the Blair bill, all I have to say is I hope that bill will be defeated. It is a farce and a fraud. Our law requires every one of the nine thousand two hundred and forty districts in this State to maintain a six-month school annually, while all city, town, and village schools must run at least seven months. About two hundred of them run eight, nine, and ten months annually. We can take care of our schools if Congress will reduce the tariff on the necessities of life. Missouri has 688 negro teachers employed in her public schools, while Iowa has not a single negro teacher. In the hope that the Blair uneducational bill may be defeated, I am, sir,

Yours truly,

W. E. COLEMAN,

State Superintendent Public Schools.

Hon. W. H. CRAIN, Washington City, D. C.

EXECUTIVE DEPARTMENT, STATE OF NORTH CAROLINA,
Raleigh, January 29, 1890.

SIR: I am instructed by the governor to send you the inclosed reply to your questions in your letter of the 13th instant in regard to the scholastic population, etc., in the State of North Carolina. The answers are brief and as near correct as can possibly be obtained. I would call your attention to the fact that while the negroes pay about 16 per cent. of all scholastic funds, they pay scarcely anything for the support of government. Seventy-five per cent. of all poll tax goes to schools and 25 per cent. to the poor. As the negroes have very little property, the tax on property of whites support State and county government. The answer to No. 5 should read: "The whites pay 84 per cent. of the school money and about all money for State and county government," etc.

Hoping that the within is sufficiently explained to enable you to get an idea of the conditions in this State, I have the honor to be,

Very respectfully,

S. F. TELFAIR, Private Secretary.

Hon. W. H. CRAIN, Washington, D. C.

1. Five hundred and eighty thousand eight hundred and nineteen.
2. Whites, 263,962; colored, 215,857.
3. Six hundred and ninety-one thousand one hundred and eighty-eight dollars.
4. No.
5. About 16 per cent. by colored, mainly poll tax. They pay very little for other purposes.
6. Five for colored; none for whites, but a system of county institutes.
7. Yes; but it is now only an inefficient system of three months per annum.
8. No; and the conditions are such that there is no prospect of an increase.

STATE OF SOUTH CAROLINA, EXECUTIVE CHAMBER,
Columbia, January 21, 1890.

DEAR SIR: Yours of the 13th was received several days since, and I take pleasure in furnishing you with the inclosed replies to your questions, which I have had carefully prepared by the proper department of the State government.
You can rely upon their correctness.
I remain, very truly, yours,

J. P. RICHARDSON,
Governor South Carolina.

Hon. W. H. CRAIN, Washington, D. C.

1. No enumeration of the scholastic population of the State has been made since the United States census of 1880. At that time there were 101,189 white and 189,495 colored persons in the State between the ages of six and sixteen years. There is conclusive reason to believe that the population of South Carolina has greatly increased since 1880.
 2. The answer to this question is embraced in the answer to No. 1.
 3. During the fiscal year ending October 31, 1888, the last for which reports have been received, there was expended upon the free public schools of the State the sum of \$460,276.73. This does not include the cost of maintaining the institutions for higher education supported by the State, amounting to some \$90,000.
 4. None whatever.
 5. It is impossible to state accurately. It is certain that of the tax levied on assessed values of property, the colored people pay a very small proportion, probably not more than 5 per cent. Of the poll-tax, however, amounting to \$1 on each taxable poll, the proceeds of which are used for the support of the public schools, they pay a larger proportion, approaching, perhaps, half the amount realized from this source. Even of the poll-tax, the whites pay a much larger amount in proportion to their numbers than the colored people do.
 6. Yes; there is a normal college in connection with the University of South Carolina for white male students, and a normal department in the South Carolina Agricultural and Mechanical Institute for the colored of both sexes. The Winthrop Training School for Teachers, at Columbia, is devoted to the normal training of white females. Besides these institutions, teachers' institutes for each race are conducted in many of the counties every year under the direction of the State superintendent of education.
 7. This question is answered emphatically in the affirmative. Statistics show a marked advance in every respect, but it is in those points which can not be covered by statistics that the improvement is most perceptible, namely, in the increased interest taken by the people in the schools, and the readiness with which they impose local taxes upon themselves for the development of their educational facilities. Ten years ago there were about three communities in the State in which auxiliary local taxes were levied for the support of schools; now there are about thirty such communities.
 8. This State has no permanent school fund. The annual school fund is steadily augmenting with the increase of population and assessed value of taxable property.
- In the above statement of funds appropriated for higher education, such funds as the Hatch fund and the agricultural land scrip fund are not included.

STATE OF TENNESSEE, DEPARTMENT OF PUBLIC INSTRUCTION,
Nashville, Tenn., August 25, 1890.

DEAR SIR: I have the honor to inclose herewith replies to the interrogatories sent to His Excellency Governor Robert L. Taylor, who referred your letter to this department for reply.
Trusting the same may be satisfactory, as it is obtained from my report and from the State comptroller.

I have the honor to be your obedient servant,
FRANK M. SMITH, Superintendent.
Per BATE.

Hon. W. H. CRAIN, M. C., Washington, D. C.

1. Six hundred and seventy-one thousand five hundred and seventy-seven.
2. White, 502,130; colored, 169,447.
3. About \$1,300,000, probably more.
4. No.
5. Revenue, including poll-tax, about \$2,000,000 per annum. Of this about \$30,000 is paid by the negroes (a liberal estimate).
6. Yes.
7. Yes, so far as improved methods and increased interest in education are concerned.
8. Yes.

COMMONWEALTH OF VIRGINIA,
DEPARTMENT OF PUBLIC INSTRUCTION,
Superintendent's Office, Richmond, September 1, 1890.

DEAR SIR: Your letter of the 5th instant, addressed to the governor of Virginia, has been referred to this department for reply.

- In reply to your inquiries, I have to say:
- First. The school population of Virginia, according to the census of 1885, was 610,371.
 - Second. Of the above number, 345,024 are white and 265,347 colored.
 - Third. For the school year which closed July 31, 1889, the amount expended for the support of the public-school system was \$1,620,888.92.
 - Fourth. No color distinction is made in the distribution of school funds, the funds being distributed on the basis of the school population.
 - Fifth. We are unable to say what proportion of the taxes is paid by the colored people, but it is very small.
 - Sixth. We have normal schools for whites and for blacks.
 - Seventh. There has been a marked improvement in our school system during the past ten years.
 - Eighth. Our permanent school fund is slowly but steadily increasing. Our annual school revenues are also increasing.
- Trusting the above will furnish you the information desired, I am,
Very respectfully, yours,
JNO. E. MASSEY, Superintendent.

Hon. W. H. CRAIN,
House of Representatives, Washington, D. C.

STATE OF WEST VIRGINIA, EXECUTIVE DEPARTMENT,
Charleston, January 17, 1890.

Hon. W. H. CRAIN, Washington, D. C.

I send information requested as far as our statutes enable me to do so.
The amount of taxes paid by colored people in this State, for any purpose whatever, is so small that it is not worth talking about.

Very respectfully,

E. W. WILSON,

N. B.—I send messages containing school matter in detail.

E. W. W.

West Virginia school statistics for 1889.

1. Enumeration of youth: Total white, 248,437; total colored, 10,493; total white and colored, 258,934.
 3. Disbursements: Of building fund, \$404,915.79; of teachers' fund, \$856,067.01; total disbursed (1889), \$1,260,972.83.
 4. No distinction as to color.
 5. No statistics upon this subject.
 6. Yes. Six for the white and one for the colored people. Provision for colored teachers in normal department of Stover College, Harper's Ferry.
 7. Yes; marked improvement.
 8. Yes. See report of department free schools for the years 1887-1889.
- Prepared for His Excellency Governor E. W. Wilson by the department of free schools.

B. S. MORGAN, State Superintendent.

These replies show that the public-school systems of the South are exhibiting a decided improvement; that large sums of money are annually expended by the Southern States for educational purposes; that there is no distinction in the distribution of their school funds on the color basis; that normal schools are provided for colored as well as white teachers; and that the whites pay about 97 per cent. of the taxes levied for school purposes in these States.

They are a sufficient answer to the count in the indictment that we deny the colored children educational facilities and keep them in ignorance. Indeed, upon the theory that education enables a man to intelligently determine which political platform to stand upon, and what policy is best calculated to ameliorate his condition, it is the part of wisdom for the Democrats of the South to educate the colored people; and they are acting upon that theory.

CHARGE UNTRUE THAT NEGROES ARE DEPRIVED OF SUFFRAGE AND OFFICE IN THE SOUTH.

Two other counts in the general indictment against the South may be answered together, namely, the deprivation of Republicans, white and black, of suffrage and of office. These charges are general in their character and are bolstered up by isolated instances of violence and of obstruction, which may be found in all parts of the United States. They are incident to the excitement and party spirit which prevail among our people during heated election contests and are not peculiar to the South. At Biddeford, in Maine, on the 10th of last March, an election was held and the following dispatch was sent out from there:

RIOT IN BIDDEFORD—TROUBLE OVER ILLEGAL VOTERS AT TO-DAY'S ELECTION.

BIDDEFORD, ME., March 10.

There is great excitement here over the municipal election. One hundred special police officers and twenty-five deputy sheriffs are on duty. The votes of the men whose naturalization papers were issued by the municipal court, in alleged violation of the United States laws, are being challenged in every ward. In one ward two sheriffs arrested a challenged voter, but clubs were drawn and the specials and the crowd liberated the prisoners. In another ward Deputy United States Marshal Obed A. Stackholm drew a revolver when a crowd interfered with his arrest of a prisoner. Stackholm succeeded in holding his man and also caused the arrest of a special officer who interfered. At 10 o'clock warrants were issued for the arrest of the sheriffs, and ten minutes later the local police captured Deputy United States Marshal Stackholm and Deputy Sheriff Barker, of North Berwick, and hustled them to the police station, followed by a howling mob. A general riot is feared.

Will it be contended that Maine is a hot-bed of political violence because of this election trouble at Biddeford, which is in the Speaker's district, and that the recent election there should be set aside on that account?

Many other illustrations of this character could be given from Northern elections if time would admit.

But it is claimed that the colored man is deprived of his suffrage because the votes cast do not come up to the census returns or to votes cast at former elections. The vote for Foraker and Powell in Ohio fell short of that cast for Blaine and Cleveland respectively; will it be urged that the falling off was attributable to obstruction or intimidation?

MR. CARLISLE's vote was very small in the Thobee contest compared with his vote in prior elections. Were the Democrats intimidated who failed to attend the polls? The vote in the Speaker's district on the 7th of September was less by several thousands than it ought to have been according to the census returns and the votes cast two years ago. The Republican vote having fallen off as well as the Democratic, will it be insisted that the Speaker should be turned out of the next Congress on that account?

But, says the gentleman from Kansas [Mr. KELLEY] in his abuse of the South delivered on the 3d day of this month:

Now, Mr. Speaker, I want to say right here what I think is applicable to this case—what I think every member of this House will assent to—that in no district in the United States is there a solitary precinct where any Democrat who is a citizen and voter has not always had a perfect right to cast his ballot without obstruction, intimidation, or violence, while there are many precincts in many States of this Union where Republicans are not allowed the same privilege and have not been for a number of years.

Has the gentleman forgotten the history of the Presidential canvass in Indiana manipulated by Mr. Steve Dorsey? Admitting for the sake of argument that intimidation has existed in some places in the South, which is the greater crime, intimidation of a voter or bribery of a voter?

Has the gentleman so soon forgotten the history of the recent Presidential canvass? Does he not know that hundreds of thousands of dollars were subscribed and put into the hands of the chairman of the Republican national committee for the purpose of securing the election of the Republican candidate, the present incumbent of the Executive office? Does he not know that there were thousands of votes bought in the city of Brooklyn, enough to decide the election?

The following statement was handed me by a prominent Indiana Democrat:

Hon. W. P. Fishback, of Indianapolis, in 1881 wrote to the Indianapolis News an open letter addressed to Hon. Stanton J. Peelle, containing the following: "Men like Dorsey will come to Indiana again as they came in 1880, and disburse \$200,000 in the Denison House parlors to be used in buying votes, hiring repeaters, bribing election officers to stuff ballot-boxes and falsify election returns. You know that there are men high in office because they connive at such crimes, and it is no secret that men honored by the party are so honored mainly because they aided the escape of arrested felons who were hired to come from other States to violate the election laws of Indiana."

These charges, Mr. Speaker, do not come from Democratic sources, for "Mr. Fishback was a former partner of President Harrison, is a Republican, and is now master commissioner of the United States circuit court of the district of Indiana."

How do they sound to Republican ears accusing Southern Democrats of fraud and political corruption? What has the gentleman from Kansas to say about the "obstruction, intimidation, or violence" practiced in the Cincinnati elections several years ago when Marshal Wright held sway there? Will he deny that in very many manufacturing districts in the North and East operatives were compelled by moral—rather, immoral—intimidation to vote the Republican ticket at the last election?

I know that these instances were numerous. Workmen in Northern factories were given to understand that voting for the Democratic candidates meant loss of employment and consequent loss of bread and butter for their families. They were told that Democratic success meant diminution of business for their employers, even to the extent of the closing up of shops and consequent idleness of the employes. How does bulldozing of this kind compare with that which you charge has been practiced in the South?

In Connecticut, during the late Presidential canvass, the workmen in numerous factories received on each Saturday night the weekly pittance which they had earned in a peculiar kind of envelope, on which appeared the employe's name, his number, and the amount of his wages, and in print the following:

Under protection the wage-earners of the United States have become the owners of more property than all the other wage-earners in the world.

Here is one of these envelopes:

A QUESTION OF WAGES AND BREAD.

The one issue of this campaign, shall American goods and products or English goods and products stock our home market? Shall American wages or English wages be paid to our workmen and working women?

"A tariff for revenue only" means free trade.

Free trade means pauper wages or no work!

Do the workmen of America want protection or free trade? The question rests entirely with them. Let them decide on November 6.

What does the gentleman from Kansas think now about obstruction and intimidation in Northern States?

At Bridgeport, in Connecticut, a leading Democratic Representative on the floor of this House, while addressing an audience during the last campaign, exhibited one of these envelopes and indulged in strong denunciation of such infamous practices. The very next morning the workman who had furnished the "pay envelope" which the speaker had used was called upon by one of his superiors to produce it, and upon his failure to do so he was instantly discharged. What does the gentleman from Kansas think of this instance of intimidation? The man's name was C. Huttenberger; the speaker's name was BENTON McMILLIN. The wages paid the man were \$4.25 for five days' work, at 85 cents per day, and 21 cents for two and a half hours' work, at 85 cents; in all, \$4.46.

Just think of the magnificent wages, \$4.46 for over five days' work in a protected industry, which this poor workman was to save under protection and to lose under free trade, and which he did actually lose afterwards, because he had the manhood to consent to an exposure of the infamous methods practiced by his Republican employers in order to intimidate men into voting the Republican ticket.

Can any Republican member cite a case which equals this in the South? To his honor be it said, Mr. Wheeler, a Democrat, of the sewing-machine firm of Wheeler & Wilson, on learning the facts gave Mr. Huttenberger a better place than the one he lost.

In this connection I beg leave to present a tabulated statement, with comments thereon, taken from a speech delivered in this House on the 8th of last May by Hon. BENTON McMILLIN, which demolishes the claims of the protectionists that "protection is advocated only to the extent

that it benefits the wage-workers of this country against the pauper labor of Europe." Here is the table:

Table compiled from the Tenth Census by Mr. Seaton, Superintendent, showing value of various manufactured products, per cent. of labor-cost, rate of duty existing and proposed rate.

Industries.	Value of product.	Labor.	Percentage of labor.	Present tariff.	Proposed rate.
Carpets.....	\$31,792,802	\$6,835,218	21.5	46.31	69.88
Cotton goods.....	210,990,383	45,614,419	21.6	35.64	38.09
Bolts, nuts, etc.....	10,073,330	1,981,300	19.7	32.00	30.00
Nails and spikes.....	5,629,240	1,255,171	22.3	52.00	41.00
Iron pipe, wrought.....	13,292,162	1,788,259	13.5	74.00	62.00
Oil, castor.....	653,906	44,714	6.8	200.00	125.00
Oil, linseed.....	15,303,812	681,677	4.4	44.00	53.00
Screws (smallest).....	2,184,532	456,542	20.9	72.00	84.00
Wool hats (cheap).....	8,516,569	1,833,215	22.2	68.00	111.00
Woolen goods.....	160,696,721	25,836,382	16.1	71.00	90.00
Worsted goods.....	33,549,942	5,683,027	16.9	67.00	103.00

* Clothing made 50 per cent.

† Some worsteds increased to 130.

Take woolen goods as shown in this table. The whole amount made was \$160,000,000; the labor-cost was \$25,000,000. The present duty is 71 per cent.; and my distinguished friend sitting in front of me proposes, through his committee, to fix it at 90 per cent.; yet labor gets 16.1 per cent.

Next, consider worsted goods; and they get worse as they go further. The value of the product was \$33,000,000; labor received \$5,000,000; the labor-cost was only 16.9 per cent. Yet they propose to increase duty on worsted goods to 103 per cent., and some worsteds are increased to 130 per cent. Does any man believe that the intention is to benefit the laboring man? I say that our true policy is to keep up this agitation; and if taxes are given in the name of labor and through the votes of labor let us see that labor gets its share.

I remember to have heard the distinguished gentleman from Ohio [Mr. McKIMLEY], in the Forty-seventh Congress, say on this floor that, instead of being in favor of a tariff for protection with incidental revenue, he was in favor of a tariff for revenue with incidental protection. This was his position in 1883. But now when I examine his bill, when I look at the increases and the exclusions that are put in it, when I see that in framing the bill the committee have gone on apparently with the determination that there shall be no imports, I think his next platform will be "a tariff for protection with incidental revenue;" for it will be an accident if it yields any revenue. [Laughter.]

Ah! to the casual observer it would seem so; yet when you come to examine the bill, what are the facts? There is a provision that leaves chains where they are, and the bill would seem to show that this duty is only 43 per cent. Yet there is a basket clause to the same section which says that none of the chains shall pay less than 45 per cent. Why not come up boldly and say, "We will increase the tax." But no; the "farm tax" is abroad, and with a mortgage over his home, it is not very good stump doctrine, pending a campaign, to increase any part of his taxes without covering up the fact; and they have done it.

Who ever saw such a bill as that presented by the majority? It is founded on no general idea and can be justified on no general principle. It raised the duty on certain woolen goods on the theory that the tariff is no tax, and put sugar on the free-list on the plea that the tariff is a tax. Cabbages taxed 3 cents each and the sauerkraut, made of cabbage, is not taxed at all. [Laughter.] Hen eggs, edible, taxed 5 cents a dozen; silk-worm eggs, that can not be eaten, are admitted free.

The present rate of duty on champagne is \$7 a dozen quarts, or 53 per cent.—champagne, that magnificent and fiery fluid, which will not cure a man if he is sick, but will soon "fix" him so he does not care whether he is sick or well! [Laughter.] You would suppose an earnest seeker after things on which he could increase taxation would not overlook that, and yet the committee left the duty on champagne at 53 per cent. and raised it on woolen goods to more than 91 per cent., showing that their party have more regard for internal heating appliances than for external. And so it goes from bad to worse, through one hundred and fifty-six pages of increases and inconsistencies.

Sir, there is a general charge from ad valorem to specific duties. This answers two of the purposes of those who advocate higher taxes. First, it conceals the rate of the duty, or the rate as compared with the cost, from the consumer; it enables the taxing to continue with less complaint by the victim. Secondly, there is constantly going on all over the world a reduction in the cost of goods by reason of new inventions, discoveries, and the use of machinery. When the duty is ad valorem the purchaser gets, with the reduction of the price of the commodity, a corresponding reduction of the duty; but when it is specific he gets no reduction, even if there is a decrease of one-half in the cost of the article. So these gentlemen, by the substitution of specific for ad valorem rates of duty, provide that the reduction shall not inure to the benefit of the consumer.

THE SEVENTH DISTRICT OF TEXAS.

The district which I have the honor to represent is involved and included in the wholesale denunciation of the South, and I shall have a few words to say in relation to its political condition.

The colored population is so much larger than the white in four of the twenty-eight counties which compose my district that they are called Senegambia. In the county of Brazoria, which is in the Senegambian belt, the local offices are divided between the Democrats and the Republicans, and the persons named for them are voted for by both parties, while each man casts his ballot as he pleases for candidates upon the national and State tickets.

In counties where this kind of an agreement is not made and there are no nominations for local officers, each candidate exerts his best efforts to secure the greatest possible number of colored votes, and there is no interference with the colored voters in the free exercise of their preference for any candidate in depositing their ballots. It is hardly necessary to say that the candidates of the national Democratic party came out of Senegambia on election night with their banners trailing. In the county of Fort Bend, the majority against Cleveland and myself, at the last election, was about 1,400. I have not heard of a solitary complaint anywhere in the district of any obstruction or intimidation of voters.

Judge Burkhart, of Columbia, in Brazoria County, Texas, has been elected for nearly twenty years judge of the district court in a judicial district embracing several counties of the Congressional district which I represent. He is a Republican and was recently an applicant for a Federal judgeship in Texas. In my district colored men have been elected as legislators, sheriffs, and county and district clerks. In 1876 I served in the Senate with Senator Burton, a colored man from Fort Bend County.

In the county of De Witt, a Democratic county, where I reside, three of the principal county offices are filled by Republicans, who have been repeatedly elected; the assessors, by W. H. Grafton; the treasurer, by J. W. Richter, and the collectorship, by W. H. Graham, who was a Union soldier and a prisoner at Andersonville.

Do these facts establish the existence of obstruction or intimidation of voters or a denial of office to Republicans, white or black?

But I have not finished my statement. Galveston is a Democratic city and yet her people elected W. W. Cuney and another colored man named Washington as members of the board of aldermen; the former was repeatedly elected.

At one election his white opponent was declared elected and Cuney contested his seat. The mayor was a Democrat and the board of aldermen were Democrats, and yet, strange as it may seem to those who charge that we cheat the negro out of his political rights, the colored contestant was adjudged to be entitled to the seat and the white contestant was ousted.

I have given names and residences as an evidence of my good faith in making these assertions. W. W. Cuney, a bright, intelligent colored man, the alderman to whom I have referred, is to-day the collector of customs at Galveston. According to my recollection he is the first colored man appointed under a Republican Administration to a prominent political office in Texas, and I am informed he would not have received his appointment had he not been the recipient of strong Democratic indorsements.

The truth is that the white Republican politicians have used the colored voter to enable them to climb into the lucrative offices, and have selected him to perform menial services around post-offices and custom-houses.

These facts, Mr. Speaker, incontrovertibly demonstrate that every voter in the Seventh Congressional district of Texas is as free to cast his ballot in accordance with his own preferences as any voter in the United States, and to hold office if he can procure the majority of the votes polled.

And I do not doubt that each of my colleagues will bear the same character of testimony with reference to the political conditions of the district which he represents. But it may be said, indeed I have heard it said, that while all this may be true of Texas it will not apply to other Southern States, and that it is owing to fraud and violence in other States that complaint is made and the passage of the infamous force bill is pressed.

ELECTIONS IN MISSISSIPPI, SOUTH CAROLINA, FLORIDA, AND LOUISIANA.

The States against which the loudest complaints are lodged are Florida, Louisiana, South Carolina, and Mississippi.

Of course, not being a resident of either of these States, I can not testify of my own knowledge in relation to the political status in them.

I do know, however, as a matter of record, the following facts, which would seem to be a clear and complete defense to the accusations made against the Democrats of those States: Florida is represented in this House by two Democrats. The seat of but one of them is contested. Louisiana has five Democratic Representatives and one Republican. None of them has had a contest on his hands. South Carolina presents seven Democratic Representatives, and only one of them had his seat contested. Mississippi is represented by seven Democrats. Five notices of contest were served upon sitting members. Two of these contests were voluntarily abandoned by the contestants, and in the other three the Committee on Elections were forced to decide in favor of the sitting members, and anybody who has either heard or read the fierce invectives of the Republican members of that committee must know they would not have declared the contestants entitled to their seats had there been a quasi-reasonable showing to turn them out.

This appeal to the record, Mr. Speaker, shows that your party's alleged reason for the passage of the Lodge bill is not sustained. Your own witnesses give testimony against you.

REPUBLICAN PRETENSES ABOUT COLORED VOTES.

You pretend to be anxious to protect the negroes of the South in the enjoyment of their political rights, with this limitation, however, that you do not care how much they are cheated or intimidated or bulldozed in local elections, the very elections with which they are most concerned, for they more immediately than national elections affect their lives, their liberty, and their property.

Indeed, Mr. Speaker, you recently made this very declaration in a magazine article and in your Pittsburgh speech, from which I quote:

[Extracts from Speaker REED's speech at Pittsburgh April 26.]

While the South denies frauds in elections—cheatings and ballot-box-stuffings—singularly enough, they justify them. Why they defend them, if they do not happen, you can not understand on principles of logic, but you can on principles of lying. The defense is that otherwise the white race would be dom-

inated by colored ignorance. That defense may do for the State of Mississippi, but it will not do for the United States. In Mississippi the blacks are more numerous. In the United States they are but a handful. If in all the Congressional districts where they are in the majority they should combine and send one of their own color they could only muster thirty out of three hundred and thirty. When, therefore, any Southern gentleman, however eloquent, seizes on your race feeling, proclaims the danger of ignorant rule, and wakes your sympathy for his misgovernment, do not for an instant forget that all that has nothing to do with Federal elections. If Mississippi be in danger of ignorant domination, the United States is not. If cheating at the polls be only pious fraud in South Carolina—excusable because the white man is superior in intellect, though inferior in numbers—there can be no such excuse in the United States election, where the white man, with his superior intellect, is superior in numbers also.

In other words, the excuse, whether it be bad or good, for cheating at State elections, can not be spread beyond State elections. When a Federal election is held it has nothing to do with the State government, but becomes a part and parcel of the Government of the United States at large, where there is no possibility of negro domination, ignorant or otherwise.

The Republican vote of the South the Republican party is entitled to, under the Constitution, whether that vote be ignorant or sensible. If ignorant, we need it to offset the domestic ignorance, which votes in New York and other large cities. Why should they poll their ignorance and we not poll ours?

What, then, is the remedy? I speak only for myself. What I say binds nobody but me, and not even me if the Republican party prefers another policy, but, speaking for myself, it seems to me that the only wise course is to take into Federal hands Federal elections. Let us cut loose from State elections, do our own registration, our own counting, and our own certification. Then the nation will be satisfied. Against this course no constitutional objection can be urged. The Yarborough case, a decision of the Supreme Court, covers it all over. No objection can be urged against it on account of sectionalism. It applies to North and South, East and West.

The real motives which actuate Republican Representatives in urging and pressing the force bill are, not to afford protection to the negroes of the South, but to pander to the negroes of the North, to perpetuate Republican control of the House, including of course the Speakership, and to retard the unprecedented growth and prosperity of the South.

If you were so very anxious to protect the Southern negroes why did you not provide for that protection when you forced suffrage and citizenship upon them? Why have you not afforded them protection since that time whenever you have had control of both branches of the legislative department as well as the executive? You had a majority in both Houses as recently as 1881-'82, in the Forty-seventh Congress. Why did you not enact laws then for their education and political protection? Surely they needed both as much then as they do now.

Is it not true that you only found out that they needed protection when a Democratic President was elected and the Democratic party was within a few votes of controlling both the House and Senate? Have you not confessed this in admitting that you only desire to protect them in national elections? If it be wrong to cheat or bulldoze the negro voter in national elections, is it not a greater wrong to deprive him of the right to exercise his choice in local elections?

Is it not true that you have been pricked to action by the complaints of Northern negroes and their threats of insubordination which you fear may affect Northern elections, both State and Federal, and hand over the reins of government to the party of constitutional liberty?

Speak the truth now, gentlemen of the other side of the House, which class are you most concerned about, the colored voters of the South or the colored voters of the North?

The former can not help you a great deal. The latter hold the balance of political power in several Northern States, as is demonstrated by the following statement furnished me in response to a letter of inquiry. As the ratio of increase of population in the United States has been about 25 per cent. since 1880, the force of the argument will more strongly appear by adding one-fourth to the negro voters, all of whom vote where I live. I do not know how that is in these States:

LIBRARY OF CONGRESS, Washington, September 20, 1890.

DEAR SIR: Herewith I hand you the Democratic and Republican vote asked for in the States named at the last election, November, 1888:

State.	Democrat.	Colored voters in 1880.	Republican.
Ohio.....	396,455	21,706	416,654
Indiana.....	290,969	10,739	263,361
Illinois.....	345,371	13,686	370,475
Pennsylvania.....	446,632	23,692	326,691
New York.....	635,635	29,059	618,909
Connecticut.....	74,920	8,532	74,584
New Jersey.....	151,493	10,670	144,344
Massachusetts.....	151,855	5,956	183,822

There is no means of ascertaining the vote cast by colored men in any of the above States, no discrimination being made as to color in the poll-books or returns of the vote. I give, however, in middle column, the number of colored males over twenty-one years by census of 1880.

Very respectfully,

A. R. SPOFFORD,
Librarian of Congress.

Hon. W. H. CRAIN, M. C.

WHY DON'T THE REPUBLICANS SEND COLORED REPRESENTATIVES FROM THE NORTH.

If our Republican opponents are so very fond of the colored brother as they profess to be, if they are so anxious to see him seated in Congress, why do they not elect an occasional Representative or Senator in some of the Northern districts and States where they have overwhelm-

ing majorities? This would be much stronger evidence of their honesty and sincerity than a thousand philippics against the Southern Democracy.

All their professions of regard for the negro are merely hypocritical cant. Were he not a dangerous factor in political contests north of Mason and Dixon's line he would not be resurrected from the obscurity in which he was formerly buried.

In the South the colored people are rapidly becoming indifferent to politics outside of the political preachers, the school-teachers, and the professional politicians. They are finding out at last that, whichever party is in power, their financial condition depends upon their individual efforts. Whether Cleveland or Harrison rules, they have to work, steal, or starve.

After the war they were each promised "40 acres and a mule." They have long since ceased to watch for the deed to the 40 acres and to long for the mule.

In Texas they were told that the election of Cleveland would be the signal for their relegation to slavery, and we had hard work to pacify them and to allay their apprehensions after the election. They soon learned that they had been deceived, and that, too, by the very men in whom they had placed confidence. They take more interest as a class in local elections than in national elections, because their votes are in demand either by the colored political bosses or by the local candidates. A fall campaign is a good harvest for the political colored preacher and school-teacher.

In my district, as a class, they are good citizens when left alone, and considering their former condition and the temptations to which they have been subjected, the bad advice that has been poured into their ears, their ignorance, and the obstacles which have confronted them, they are to be regarded in general as objects of commiseration rather than as people to be despised. They are treated well by the whites and they regard the Democrats as their friends.

The fact is that, like our own people, there are good and bad men amongst them, and since the exodus of the carpet-baggers they have made fair, average citizens. When they want work, when they need assistance, when they solicit subscriptions for school-houses or churches, when they are raising money to bury one of their friends, they go to the Democrats, but when they vote they usually go to the Republicans, unless they feel commercially inclined or have personal preferences. Just after the late election in Tennessee I read an editorial extract from a Nashville paper in which the editor, a colored man, charged his people with actually selling their votes. Would the Lodge bill stop that? It is charged in Texas that those who manage among them sell not only their own votes, but those which they control.

REPUBLICAN REPUTATION OF FALSE ACCUSATIONS AGAINST THE SOUTH.

In the case of Clayton vs. Breckinridge the gentleman from Kansas [Mr. KELLEY], among other violent utterances against the South, said:

Things in this country are now bad; not so bad but they may be remedied: if not soon remedied they will go to work mending themselves, and then the trouble for this nation begins; and the consequences of all our mistakes and sins of omission and of commission are upon us. It becomes us as men, as representatives of the people of this country, in whose hands for the time being the destinies of the nation and of the people are to some extent placed, to mend matters, and do it at once, before conditions arrive at that state of badness that is described by the Texan, where they begin to mend themselves.

I have been listening for the last nine months in this House for some one to suggest a remedy, listening, not with my ear to the ground, for that remedy is not supposed to come from the people, but is expected to come from the statesmen of this country and of this House, and as a new and very humble member of this House I have been waiting and hoping that a remedy would be devised by the experienced and able statesmen of the House that would be satisfactory.

I have heard two remedies suggested by the other side, the first of which is the old and familiar cry of "Let us alone; let us manage our affairs in our own way; let us suppress free speech and a free ballot; let us murder, and assassinate, and intimidate, and defraud, and we beg you to believe we do it in the interest of harmony and peace and good government." This proposition is unjust and can not be accepted. The other proposition was voiced by the gentleman from Kentucky [Mr. BRECKINRIDGE] a few days ago. It was offered in connection with his discussion of this same question in another form, and I was glad to have it come from him, because I believe he has given this question thought and understands it, and I believed he was candid. The proposition was an invitation to the Northern people to send our sons south among them "to help develop the South, to open our mines, to buy our lands, to build our railroads, to marry in our families, to be with us and of us, receive our confidence and give us yours; in short, to knit closer the ties and bonds of affection and interest that bind the people of these States together."

This sounds well and is no doubt meant well, but in the light of the experience of my personal friends and acquaintances it sounds much like the invitation of the spider to the fly to walk into his parlor.

Contrast this language with the facts and with the patriotic public declarations of Vice-President Morton to a Post reporter on his return from his trip to the South:

Vice-President Morton has returned from his trip through the South with the kindest feelings for its people and the brightest hopes for its future. Seated in the library of his handsome residence yesterday he gave to a Post reporter in an informal way some of the impressions of his trip.

"It was my first trip along the South Atlantic coast," he said, "although many years ago I visited New Orleans, and to say that I thoroughly enjoyed the trip would be to very mildly characterize the pleasure I experienced. Although I went among people who were perfect strangers to me and with whose interest I had not been closely identified, I met with a most cordial greeting everywhere, and, indeed, could not begin to accept all the invitations which were showered upon me. If I had had the time I would have gone to Mobile, Ala., Thomasville, Ga., and other places from which invitations came, but there had to be a limit to travel."

"What feature of the trip most impressed you?"

"I think that the wonderful and rapid recovery of the South from the devastation of the war is most amazing and must strongly impress every one who knows what the South experienced and realizes what it is to-day. I am frank to say that I do not believe a traveler going through the South, if unaware of the struggle of twenty-five years ago, would notice any signs resulting from that struggle. Of course this recovery is not equal at all points. Some cities are more backward than others, and yet I believe that all cities are feeling the general prosperity which is now the happy condition of the South. Atlanta, Savannah, Birmingham, and Jacksonville are particularly flourishing. Jacksonville has in four years increased its population from 35,000 to 60,000. This is marvelous growth."

"Do the Southern people still talk of the war?"

"I think not, except to refer to it as a basis of comparison by which they emphasize the changes which have been made since it closed, and this comparison is with them a natural matter of pride. Of course, I speak only for the cities. I did not go into the country. In the cities, however, the Southern man has his mind on the future rather than on the past."

"There is considerable Northern capital invested in the development of the South?"

"Beyond a doubt."

"And do the Northerners and the Southerners work together without friction?"

"I think they do. Certainly among the business men, so far as I could see, Democrats and Republicans were on excellent terms. There is a common bond," continued Mr. Morton, with a smile, "in making money, and that is what the South is now successfully endeavoring to do. Northern people are welcomed in the South, especially if they are disposed to place their shoulders to the wheel in helping to develop the material industries of that section. The Southerner may not agree with his Northern visitor politically, and he may have different views on other questions, but he is heart and soul with him on the all-absorbing question of development. Yes, there can be no question that the Northern man is sure of a cordial welcome to the South."

"Then the Southerners are not letting Northern men do all the work?"

"Not by any manner of means. They are also up and alive and doing."

Mr. Morton said that the Florida hotels were now full of tourists from the North, Jacksonville is crowded, and all the St. Augustine hotels are full. A new hotel, to accommodate five hundred or six hundred guests, is now being erected in Tampa and will be ready next season. In conclusion Mr. Morton again referred with the heartiest appreciation to the marked cordiality which had been shown him, and expressed the firm belief that the present era of prosperity in the South was not based on a fictitious foundation, but was the result of natural and lasting causes.

Mr. KELLEY forms his judgment of the condition of the South from a few incidents which have been reported to him, whereas the Vice-President bases his opinion upon the general knowledge which he has obtained by actual contact with the people of the South. To which statement will the people of this country pin their faith?

There is unfortunately so much prejudice against the South in certain quarters, aroused by either willful or ignorant misrepresentation, that it is difficult for Southern Representatives to obtain a hearing upon the subject of the true condition of the South. Therefore the testimony of Vice-President Morton is of incalculable value, not to the South alone, but to the entire country.

No man will call in question the loyalty of the lamented Judge Kelley to the Republican party. Let me quote from him and from other gentlemen, Republicans as well as Democrats, in refutation of the charges preferred by his namesake from Kansas.

In the early part of 1889 many prominent capitalists and manufacturers went South to "spy out the land." Among the number were such men as the Hon. Abram S. Hewitt and Hon. Edward Cooper, of the widely known iron and steel firm of Cooper, Hewitt & Co.; Mr. Andrew Carnegie, the most extensive iron and steel manufacturer in America; Mr. Frederic Taylor, a leading New York banker; Hon. H. B. Pierce, secretary of state of Massachusetts; Hon. D. H. Goodell, governor of New Hampshire, and many others. These are mentioned because of the influence which their statements carry and because they can not be charged with being partial to the South.

Letters were written to the Manufacturers' Record by a number of these gentlemen, giving their views upon the resources of the South and the progress made in that section in the last few years.

Mr. Carnegie wrote that he regarded the South "as Pennsylvania's most formidable industrial enemy in the future."

Mr. Taylor, who made a careful study of the situation in connection with Messrs. Hewitt and Cooper, stated that the South was a revelation to him. "It seemed to me," wrote Mr. Taylor, "that we traveled through a continuous and unbroken strain of what has been aptly termed the music of progress, the whirr of the spindle, the buzz of the saw, the roar of the furnace, and the throb of the locomotive."

To the young men of the South he accords high praise of the work which they are doing, and to "the eager, earnest, restless, driving energy which seems to fill them." Referring to the section through which they passed, he says:

The country through which we traveled was varied, and in many respects beautiful; its valleys fair as the vale of Cashmere, its mountain scenery wild at times as the Alps. The South, to my mind, is only now on the threshold of its boom. It has every possible advantage—everything, indeed, that God can give. The New South has been built up by the indomitable energy and by the hard work of the Southern people themselves.

And finally in closing this most striking letter, Mr. Taylor added:

To any man to-day of pluck and grit with the world before him and his fortune to make, I should say, "Go South, young man, go South."

Hon. Henry B. Pierce wrote:

I can add little to what has been so well said, and so many times said of late, by Northern men who have been South, as to the resources and advantages of that wonderful section which includes Northern Alabama. I am thoroughly convinced that it is to be the great iron center of the world, and that the people will marvel at the growth which will be brought about during the next twenty-five years. The South will receive the greatest direct benefit, because of a revolution socially, politically, industrially, and in an educational way,

which it will undergo in this process, a revolution so gradual and yet so fraught with immediate blessing that it will be accomplished without friction. I predict for the New South an era of prosperity which shall eclipse any which has ever been achieved in any other section of our great country, so remarkable for its successes in that line.

Sir Lowthian Bell, of England, one of the highest authorities on iron manufacture, recently made the following statement:

Ultimately there seems nothing, so far as our present knowledge permits us to judge, to prevent these Southern States from becoming the cheapest iron-making centers in the Union.

Mr. J. C. Fuller, president of the United States Charcoal Iron Workers' Association, which is composed of all the manufacturers of charcoal iron in the country, while on a visit to the South, said:

I have to-day witnessed what I have hitherto considered existed only in the imagination of the enthusiast. I have seen coal, ore, and limestone in almost fabulous deposits in so close proximity to one another as to undoubtedly assure to Alabama the honor of becoming one of the foremost iron-producing regions of the world.

To these strong statements I would add an extract from a letter in the Manufacturers' Record, by Hon. William D. Kelley, of Pennsylvania, who was one of the foremost statesmen of his day; a man of broad views, who, though a lover of his own State, looked beyond its borders and saw in the development of the South the future grandeur of this country, and rejoiced that whatever built up this section would add to the prosperity and progress of the United States as one great country. Judge Kelley weighed his words carefully, and hence the following extracts are worthy of thoughtful attention. The most enthusiastic Southerner could not paint a more glowing picture of the South's advantages, the beauty of its scenery, the charm of its climate, the wealth of its mineral resources, and the possibilities of its future.

In the closing paragraph of my little book, *The Old South and the New*—

Wrote Judge Kelley—

Two sentences have caused me much questioning. I say there, "Wealth and honor are in the pathway of the New South," and again, "She is the coming El Dorado of American adventure." My friends have thought me too sanguine; but the States south of the Ohio and east of the Mississippi, with their half million square miles of area, contain a wealth great enough for a continent—a wealth so vast, so varied in its elements and character, so advantageously placed for development, that these States alone can sustain a population far greater than the population of the United States to-day.

Their products would be so different from those of other sections of the country as to afford the most profitable exchange, advantageous to all. And it is in these States that we must find the new and greater market for Northern surplus, whether that surplus be in the shape of accumulated labor of the past—that is to say, capital—or the future productions of labor, or of labor itself, because in these Southern States, more than elsewhere, the natural conditions of success exist. As to the rapidity with which it can be done, the past growth of the West furnishes the best answer. It was the building of an empire in the West that relieved and enriched the East as well as the West. The enormous energies, the "plant" used in that task, unparalleled in the magnitude of the work and the greatness of the reward to all, is now seeking a new field of investment, and there is no spot on earth sufficient for it and within its reach but the South.

I have traveled much in the South since the war, and have always been keenly interested in every step of progress she has made and eager to learn all I could of Southern resources and advantages. I have urged my friends to go there, and my son is there now, with all that he has, embarked in a manufacturing enterprise. I do not consider that there ever existed in the West, great as its wealth is, nor in any other portion of the country, anything like the natural wealth of the South. A very large part of the South is blessed with a climate unequalled, if equaled, elsewhere in the world. As to the mountainous region of the South, it is richer in natural wealth and in advantages for the development of that wealth; it has a finer climate, better water, and a higher condition of health than any region of which I have any knowledge, and is withal one of the most beautiful regions in the world.

I am willing to rest the case of the South *versus* the gentleman from Kansas and all others who calumniate her upon the foregoing testimony of business men, irrespective of political faith. Would Judge Kelley send his son to the South, would he advise his friends to go there, to be bulldozed, cheated out of their rights, civil and political, and to be foully assassinated? And yet the gentleman from Kansas says that an invitation to Northern thrift, energy, enterprise, brawn, and capital reminds him of the invitation of the spider to the fly.

Shame on such unpatriotic utterances! They are unworthy of men who lay claim to patriotism and statesmanship.

MOTIVES FOR THE FORCE BILL.

But behind all these vituperative denunciations of the Southern people may perhaps be found the true reason for the urgency which characterizes the efforts of certain men to secure the passage of the force bill. During the past ten years the South has made wonderful strides in material development. Enjoying comparative peace and quiet and immunity from political troubles, she has rapidly increased in population and in wealth. Freed from its apprehension of insecurity, capital, proverbially timid, has poured into the South from the North, and Southern mines have been developed; the cultivation of Southern acres has increased, and Southern manufactories are going up in great numbers.

Already Southern factories and Southern furnaces are competing successfully with those of the East. I remember an occasion when a distinguished statesman, now gathered to his fathers, a man whom I was proud to call my warm personal friend, Samuel J. Randall, expressed the belief that I would live to see the day when the South would be the richest section of the Union, on account of its genial climate, its fertile soil, its tremendous water-power, and its wonderful mineral resources.

That day, Mr. Speaker, is fast approaching. We have the raw material at hand and lack nothing but skill and capital to work and

fashion it into manufactured products. Our iron and coal lie side by side; countless flocks of sheep furnish us with wool; numerous herds of cattle supply our hides, and in Texas tanning bark is plentiful to change them into leather; our fields are white with the fleecy staple; our labor is cheap and plentiful; our railroad facilities are increasing, and instead of selling and shipping our raw material abroad and purchasing and reshipping it home in manufactured form we are beginning to manufacture it ourselves, and to supply not only our home market but also the markets of the North and East.

As is well known, pig-iron is produced more cheaply in the South than in the North; and we have numerous woolen and cotton factories that are successful competitors with their Eastern rivals. Several years ago I met a manufacturer from Rhode Island upon a Southern train who told me that in a purchase of yarn manufactured by a factory in South Carolina he had just made a thousand dollars in the difference between the cost there and the cost of manufacturing the amount of his purchase at his own factory, to which he would add the profit at home. He had been unable to fill an order at his own mills and had made up the deficit by purchase.

These Southern enterprises would have been impracticable without Northern capital, and the only way to stop their further progress and increase is by causing alarm and uneasiness among the moneyed men of the North.

An inauguration of race troubles at the South would inevitably produce that result. The passage of a force bill, foreshadowing or even raising a suspicion of political conflicts would have a tendency to stop the hum of machinery, the looms and spindles, and the furnaces of the South. Capitalists contemplating investments there would await the results of attempts to carry out the provisions of the bill; the building of railroads and the development of mines would cease, and the wheels of Southern progress would be stopped.

Southern competition would no longer threaten Eastern manufactures, and the truth of the statement made by a Republican newspaper would be established, that "there are a dozen tariff bills in the Lodge bill."

EASTERN MANUFACTURERS CLAMORING FOR FREE RAW MATERIAL.

At this very moment Eastern manufacturers are clamoring for free raw material. They want free iron, free coal, free wool, and free hides, and they get free labor from abroad. Without free raw materials they complain that they can not hold their own in the competitive race with their Southern rivals.

We all remember how the Committee on Ways and Means played "hide and go seek" with the proposition to put hides on the free-list. My prediction may appear chimerical, but I venture the prophecy that a majority of this House will live to see the day when New England will be demanding freer trade than we now enjoy.

I believe that Republican Representatives from Massachusetts will not gainsay the assertion that the heaven of freer trade is now working in certain sections of that State, and that the so-called free-trade sentiment is rapidly growing there. Unlike the South, New England has to import her raw materials for manufacture either from sister States or from abroad. It is not so much the fear of foreign manufacturers of wool, cotton, iron, steel, etc., that forces the East to keep up protection as it is fear of Southern rivals. With a protective tariff the South is exhibiting a manufacturing development which is really wonderful, and she is, to say the least, holding her own in the race for supremacy with her Eastern rivals. Without a protective tariff they would soon be left far behind in the race, and Southern manufacturers would have only foreign competitors in the home market, at least in certain lines of manufactured products. If the North and West can stand protection the South can better afford to do so.

SOUTHERN AGRICULTURAL DEVELOPMENT; EASTERN DECADENCE.

While the farming industry is making such gigantic strides in the South it is deteriorating in the East, and those who abandon it must be supplied with employment either of capital or of labor. The rural population is flocking to the cities, and the manufactures in which they engage, failing to flourish longer under protection, must seek relief from other sources. They are menaced and the menace must be removed.

If free raw materials can not be had, perhaps discord and conflicts may retard, hinder, and cripple competition. While the cotton crop this year is estimated to be larger by 60,000 bales than last year and the acreage in general cultivation in the South is increasing annually, there is a deplorable decadence in agriculture in some of the Eastern States, notably in Vermont, New Hampshire, and Massachusetts. In this connection I will have the Clerk read the following extract from a speech delivered in the Senate by Senator TURPIE on the 9th day of August.

The Clerk read as follows:

Of all the innumerable falsehoods which Mammon has put into the mouth of monopoly, that which declares the so-called policy of protection promotive of the interests of the farmer, of the welfare or well-being of the farm, is least worthy of credit. This falsity is no better shown than by bringing into close juxtaposition the actual results of the protective policy upon agriculture in the parts of our country where these have existed and been in operation together.

No farm in New England is beyond a short haul—a very short one—to some site or seat of manufactures. Freight is less because distance is less, even to the seaboard and central markets, than in any other locality. Yet no fact is better established than the recent very great decline in the value of agricultural lands thus situate at the very doors and gates of the home markets.

I was touched, more than interested, by hearing read in this Chamber the other day by the Senator from Georgia (Mr. COLQUITT) the accounts of their own writers and officers, and even the epistle from the great poet, Whittier, upon the subject of this decadence. To be sure, the poet wrote in prose, but it was a very graceful, noble prose, tinged with a savor of melancholy which he cared not to hide in thinking of the disappearance and desolation of the ancient farm-houses and homesteads of New Hampshire and Massachusetts. I will have read as a part of my remarks the marked portion of the speech of the Senator from Georgia delivered the other day.

The PRESIDING OFFICER (Mr. CULLOM in the chair). The Chief Clerk will read as indicated.

The Chief Clerk read as follows:

"VACANT FARMS IN NEW HAMPSHIRE.

"Quite recently during this year the commissioner of agriculture and immigration of New Hampshire issued a book in which it was stated that there had been reported to his office 1,442 vacant farms with tenable buildings in various parts of the State. I will refer to what this officer says in relation to the condition of things there. He says:

"Many of these farms can be purchased for less than it would cost to replace the buildings, and for one-fifth of the cost of the permanent improvements upon them. We claim that there is no section of the country where a small investment in a farm will secure more for the purchaser than in one of the vacated farms of New Hampshire. They are adapted to dairying, poultry-raising, fruit-culture, sheep-husbandry, market-gardening, or can be fitted up to swell the already large number of summer boarding establishments. These farms have more or less wood and timber land, as will be seen by the descriptions given, and the work of placing the forest products upon the market will afford remunerative winter employment for a number of years. There are many valuable maple-sugar orchards, the products of which find a ready sale at good prices.

"Hundreds of these farms are located upon the hills and mountains, and on the borders of lakes and streams, and would make delightful summer homes. Many of them embrace a broad acreage, good, roomy buildings, and can be put in shape for summer use at little cost; and they can be bought for a price less than many a man pays for having his family crowded into a hotel for a single season. Even a man of moderate means may possess himself of one of these upon terms which will enable him to occupy it and entertain his friends in it from May until October cheaper than he can live at home in the city or patronize a decent summer boarding-house. When once he has it he can turn his family loose upon it, cultivate it as little or as much as he pleases, roam through the woods and over the ledges and by the brooks upon it, and enjoy all the comforts of farm life. The millionaire, who can afford to do more, to build fine houses, breed blooded horses and cattle, lay face walls, set out shade trees, and farm for fun generally, may also find on these farms the opportunity he wants to scatter his income, promote his health and happiness, and prolong his life. Many of the best farms in the State are now owned by such rich men, and it would be hard to find one who thinks he is not getting his money's worth."

"I notice that the purely agricultural county of Coos has only two hundred abandoned farms, while the county of Hillsborough, of which the manufacturing city of Manchester is the county-seat, has two hundred and twenty-eight of them.

"Judge Nott, of the Court of Claims, has issued a pamphlet on 'The reason for the decline of farm values in New England,' in which appears this pathetic description of a deserted New England village. The poetry of a Goldsmith could add nothing to the effect of the plain statement:

"Midway between Williamstown and Brattleborough—"

"Says Judge Nott—

"I saw on the summit of a hill against the evening sky what seemed a large cathedral. Driving thither I found a huge old-time two-story church, a large academy (which had blended in the distance with the church), a village with a broad street, perhaps 150 feet in width. I drove on and found that the church was abandoned, the academy dismantled, the village deserted. The farmer who owned the farm on the north of the village lived at one side of the broad street, and he who owned the farm on the south lived on the other, and they were the only inhabitants. All of the others had gone to the manufacturing villages, to the great cities, to the West. Here had been industry, education, religion, comfort, and contentment, but there remained only a drear solitude of forsaken homes."

"Writing of this pamphlet to its author the venerable poet Whittier says:

"DAKVERS, MASS., December 1, 1889.

"MY DEAR FRIEND: I thank thee for thy noble 'testimony' in regard to the sad decline of New England agriculture. Every year when I go to the New Hampshire hill country I find more and more abandoned farms, and the sight takes away much of the pleasure of a sojourn in view of the mountains.

"I hope thy article, with which I fully agree, will be widely read. It should be published in pamphlet form and scattered broadcast.

"I am, very faithfully, thy friend,

"JOHN G. WHITTIER."

Mr. CRAIN. This suggestion respecting the real motives which actuate certain men in their persistent, I might almost say malignant, advocacy of the force bill is not peculiar to my mind—it has been made by others; and while I hesitate to cast suspicion upon the patriotism of any man, yet the sectional discriminations which I have so often seen made in Federal legislation cause me to wonder whether there may not be at least a modicum of truth in the suggestion, for there are Representatives who seem to believe that patriotism consists in serving one's district or section first, and then the country.

In discussing the Lodge bill the editor of Belford's Magazine recently said:

The South has of late years not only prospered more than New England has, but largely at New England's expense. Much of the manufacturing, especially of cotton goods, that New England once monopolized is now done in the cotton-producing States. Iron-works that once smoked amid New England's hills are now silent and cold, while the flames of similar establishments are burning on many of the Southern plains. Immigration is pouring into the South, making her fields to bloom and blossom as the rose, while New England's bleak and sterile hillsides are being abandoned by their tenants and given up to the thistle and the stunted birch. New England's leaders see these things clearly and painfully enough, and, having the opportunity in the present control of the Government by their political friends, it is, perhaps, but natural that they should strike at the prosperity of the Southern States, and give them all the trouble they can. Jealousy is now added to their former hate.

According to the Railroad Record, during the first half of the present year there were established 198 new cotton and woolen mills in Georgia, North Carolina, South Carolina, Tennessee, Texas, and Alabama; 18 new iron foundries and machine shops in Alabama, 13 in Tennessee, and 54 in other Southern States; 8 new blast furnaces in Georgia, 8 in

Tennessee, 8 in Alabama, and 11 in other Southern States, besides 78 mining companies, 15 potteries, 65 cotton-seed-oil mills, 16 rolling-mills, 75 wood-working factories, 53 electric-light works, 50 ice factories, and many other industries.

These facts are cogent arguments in support of the suggested reason for the pernicious activity of the New England supporters of the force bill. As I have already said, the South is menacing New England. She is threatening her commercial supremacy. She is encroaching upon her markets. She will ultimately drive her out of the Western market. Something must be done to check the progress of the young commercial giant.

REPUBLICAN REMEDY AGAINST THE EVIL OF THREATENED SOUTHERN COMMERCIAL SUPREMACY.

What shall it be? What is the remedy? The force bill to shake confidence and keep out Northern capital; to engender sectional hatred; to arouse the worst passions of the blacks and the whites; to cause riots; to invoke Federal interference; to upset social conditions; to cripple business, and to stop the rapid increase of new industries.

But suppose that the force bill should become a law, and the Southern people should quietly submit to the enforcement of its obnoxious provisions and suffer themselves to be defrauded out of their just representation. What, then, will be the result?

Confidence will be restored, and in a few years the South will be the great manufacturing as well as farming and commercial center of the Union. Her population will have more than trebled by the end of the century, and she will be in a position to demand her political rights and to have her claims allowed.

I submit with my remarks an appendix compiled from the Manufacturers' Record, showing the marvelous progress of the South during the last decade in all departments of industry.

In conclusion, I commend to the careful consideration of the pseudo-philanthropists who believe, or pretend to believe it, that the true solution of the race problem lies in pulling down the white man and setting up the black man, the following remarks delivered by Bishop Grant, of Texas, a colored bishop, who presumably knows at least as much about the race question as men who are mere theorists and doctrinaires:

Bishop Grant, of San Antonio, Tex., who delivered the very entertaining lecture in St. John's African Methodist Episcopal Church, Monday night, on the colored question, was interviewed by a Republican reporter yesterday, to whom he gave an extension of his views on this topic.

"In the first place," he said, "I take the ground that there is no race problem in our country; it is only imaginary. When all the races in this country reach the idea of the fatherhood of God and the brotherhood of man, and the gospel of Jesus Christ reaches the homes of all the people, there will be no difference between races. I also take the ground that if you newspaper gentlemen, the legislatures, the lecturers, and the preachers, would never mention the negro in the next ten years that would end the negro discussion. Just leave them alone. We need no special care, special legislation, or special railroad cars, but give the negro his rights under the law as other men.

"HIS HOME IN THE SOUTH.

"My opinion is that the future home of the negro is in the South. No race has ever reached the eminence of civilization without some trouble, some friction. Of course these things will come to us as we are in a transient state and have not reached civilization as the other races have. A point I did not touch upon in my lecture last night is that negroes have never given this country any trouble, nor ever will. They were true to their owners and when they were emancipated they were true to the Government, and nearly two hundred thousand of them died for the flag. But where your trouble is coming from is the foreign element that is crowding the country. On an average, six hundred persons land every day on the American shores, and a great many of them bring with them the ideas of their own country and attempt to break up the free institutions. The negro can not enjoy the same privileges that these foreigners enjoy when the foreigners have been here twenty-four hours, and yet our muscles have helped to build up the cities, the railroads, and to educate a great many of the men who are in Congress, to till the soil and make the country what it is.

"ACCUMULATING WEALTH.

"It is true," continued the bishop, "that in Mississippi and Louisiana in some places our people are having trouble. The law of antagonism enters into everything and the trouble they have will only drive them to work the harder and to make them the better citizens in the end. What they need are education and wealth, and these our people are accumulating very rapidly in the Southern States. In the State of Georgia our negroes pay taxes on \$200,000,000 worth of property. I have no fight to make on the Southern people, for a great many of them, now are paying thousands of dollars to help educate the negro. We have a fine school system in the State of Texas, and most of this money comes from the white race.

"POLITICS AND EMIGRATION.

"In politics it is my opinion that it is better for the negroes to support those who are the best friends to the race and will do most for the elevation of the race. As far as I am personally concerned I am a Republican, but in my views I am very conservative. I think the negroes ought to divide their vote all over the country as other people do, and in emigrating I think they ought to go as do other people; not to go out in crowds and settle down without any means, but in changing from one section to another to help build up the country and make our condition better. There is no use for us to sit down and grumble, because for \$40 or \$50 we can go to any section of the country we want. Among the Southern people I have some of the best friends a man can have.

"I was born and raised there and expect my home to be there as long as I live. I think, however, the negro's destiny from this on is in his own hands. What I mean by that is, that there has been a great deal of contention over the negro's condition in the past, both in Congress and the Legislatures, but in the future his destiny is in his own hands and he will be what he makes himself. And this ought to be so. As with nations, so with individuals; what a country is we must make it. The whole thing is in the hands of God, and if those who have the reins of government do not see that all races get justice in this country, both parties that now exist will pass away and a new party will be raised up that will see all races receive justice under the law.

"THE QUESTION OF SOCIAL EQUALITY.

"Negroes do not ask for social equality; they do not want that; but we do

desire to receive it on railroads or otherwise. President Harrison in his message said more about the negro than any man since the days of Abraham Lincoln. I had an interview with him on the negro question and also with President Arthur and President Cleveland. All of them think about the same. Mr. Cleveland said, when I spoke to him about the treatment of the negroes in some sections of the South: 'When your people are educated and acquire wealth and are owners of the soil it will do more to reach the ends desired than all the laws we can pass in Congress.' President Harrison thought about the same, so did Mr. Arthur. This brings us back to the point that the negro's destiny is in his hands. I believe that he ought to be more self-reliant, have more race-pride, more confidence in the race, and think that the future possibilities of the race are equal to those of any other race in this or any other country.'

APPENDIX.

THE SOUTH'S REDEMPTION.

The combination of advantages possessed by the South for the development of great wealth is not equaled in any other country in Europe or America. In fact here are combined the chief advantages and resources of nearly all other countries without their most serious disadvantages.

In climate soil, mineral and timber wealth, in rivers, large and small, in a long season, in an abundant rainfall, in healthfulness, and in every other advantage that could be asked, nature seems to have done her best for this favored land. Every variety of soil, suitable for every branch of agriculture, can be found ready to yield an abundant harvest. The wealth in iron and coal is beyond estimate; and, in fact, its extent is not yet half known or dreamed of, while no other section possesses such a wide range and such an abundant supply of other minerals needed in the arts and sciences. Of timber there is seemingly almost unlimited supply, including nearly every variety of hard woods used for wood-working purposes.

It is not extravagant to say that the actual money loss to the South from the war aggregated at least \$5,000,000,000. The census of 1870 showed the assessed value of property in the South for that year to be \$2,100,000,000 less than in 1860, but this of course does not represent the total losses. It does not cover the enormous sums spent in carrying on the war, the loss of so many thousands of the leading men by death and emigration, the chaos resulting from the war, and the disorganized condition of the whole labor system of the country. Taking all these things into consideration, \$5,000,000,000 is a very conservative estimate of the South's loss financially.

In 1860 the total amount of capital invested in manufactures in the United States was \$2,700,000,000. If we could conceive of some disaster that would have entirely blotted out every manufacturing enterprise in the whole country in 1860, and every dollar invested in them, the aggregate destruction of property would have been only about one-half as great as the losses entailed upon the South by the war. It is impossible to comprehend what it would mean, if at one blow every manufacturing enterprise in this country were wiped out of existence, and yet the sufferings and poverty which would follow such a disaster would hardly be equal to what the South had to face when it laid down its arms in 1865. These facts are mentioned that the South may receive proper credit for the amazing progress which has been made in the last few years.

In the year 1860 the assessed value of property in Georgia was greater than the combined wealth of Maine, New Hampshire, Vermont, and Rhode Island. South Carolina was \$69,000,000 richer than Rhode Island and New Jersey. Mississippi outranked Connecticut by \$460,000,000. In the assessed value of property per capita Connecticut stood first in rank; Rhode Island, second; South Carolina, third; Mississippi, fourth; Massachusetts, fifth; Louisiana, sixth; Georgia, seventh; District of Columbia, eighth; Florida, ninth; Kentucky, tenth; Alabama, eleventh; Texas, twelfth; New Jersey, thirteenth; Maryland, fourteenth; Arkansas, fifteenth; Virginia, sixteenth; and Ohio, seventeenth.

New York and Pennsylvania were also far behind the South in the amount of wealth in proportion to population, the former State ranking twenty-second, and the latter thirtieth. By 1870 there was a startling change. The assessed value of property in New York and Pennsylvania alone was greater than in the whole South; Massachusetts had just one-half as much wealth as the fourteen Southern States combined. South Carolina, which, in 1860, had been third in rank in wealth in proportion to the number of her inhabitants, had dropped to be the thirtieth; Georgia, from the seventh to the thirty-ninth; Mississippi, from the fourth place to the thirty-fourth; Alabama, from the eleventh to the forty-fourth; Kentucky, from the tenth to the twenty-eighth, and other Southern States had gone in the same way, while the Northern and Western States had steadily increased in wealth.

In 1860 the assessed value of property in South Carolina, according to the census, was \$439,000,000, while the combined values in Rhode Island and New Jersey aggregated \$421,000,000, or \$68,000,000 less than South Carolina's. In 1870 the combined values in Rhode Island and New Jersey amounted to \$868,000,000, and the value in South Carolina was \$183,000,000. Thus, while South Carolina had \$69,000,000 more assessed property in 1860 than these two States, it had in 1870 \$685,000,000 less than they had. In 1860 the total assessed value of property in the United States was \$12,000,000,000, and of this the South had \$5,200,000,000, or 44 per cent.; in 1870 the total for the country was \$14,170,000,000, and of this the South had only \$3,064,000,000, or 22 per cent.

The assessed value of property in the South, as already stated, was \$2,100,000,000 less in 1870 than in 1860, while in the rest of the country there was an increase of over \$4,000,000,000 during that decade. Not until about 1876 were there any decided indications of a change for the better in the South. By 1879-'80 an improvement was seen, and it is since that time that the most marked progress has been made. That this progress has been phenomenal, and especially when the poverty of this section at that time is taken into account, the statistics given in this paper will certainly make plain. A comparison of the assessed value of property, by States, in 1860 and 1880, gives the following:

States.	1860.	1880.	Increase.
Maryland.....	\$459,187,408	\$177,398,380	\$18,210,972
Virginia.....	303,997,613	344,162,473	40,171,860
North Carolina.....	109,916,907	217,000,000	47,083,093
South Carolina.....	129,551,624	145,280,343	15,728,719
Georgia.....	251,424,651	390,289,314	128,864,663
Florida.....	31,157,846	93,800,000	62,642,154
Alabama.....	139,077,328	242,197,531	103,120,203
Mississippi.....	115,130,651	157,830,431	42,699,780
Louisiana.....	177,086,456	226,392,288	49,305,832
Texas.....	311,470,726	710,000,000	298,529,274
Arkansas.....	91,191,032	106,000,000	14,808,967
Tennessee.....	211,768,438	325,118,636	113,350,198
West Virginia.....	146,991,740	183,013,737	36,021,997
Kentucky.....	575,473,041	651,076,367	170,203,226
Total.....	2,913,436,095	4,220,166,400	1,306,729,927

*1880.

The census report of 1879-'80 estimated that the assessed value of property in the South was only 41 per cent. of the true value. On this basis the true value of property in the South in 1880 was \$7,105,917,300, and the value at present \$10,293,098,700, a gain of over \$3,000,000,000.

The history of many Southern towns during the last five years reads almost like a romance. While Birmingham, Chattanooga, Anniston, Roanoke, Dallas, Fort Worth, and many of the most widely advertised industrial centers have grown with a rapidity that is almost beyond belief, other towns and cities all through the South have kept well up in the march of progress. Louisville, Atlanta, Nashville, Richmond, Charleston, Savannah, Columbus, Knoxville, Memphis, Macon, Augusta, and others have not fallen much behind the most rapidly-growing places.

In 1880 Knoxville had 9,000 inhabitants, and the assessed value of its property was \$3,485,000; now its population is estimated at 42,000, and the value of its property is \$9,500,000. Louisville has increased its population from 123,000 to 227,000, and the capital invested in manufactures from \$21,500,000 to \$35,000,000. Nashville had a population of 46,000 in 1880, and now has about 110,000. Columbus, Ga., which now has \$5,300,000 invested in manufacturing interests, had only \$2,400,000 in its manufactures in 1880. Charleston, S. C., which is not much heard of as a manufacturing center, has \$7,340,000 invested in manufactures, against \$1,824,000 in 1880. Richmond, New Orleans, and others of the older cities have made similar progress.

Less than a year ago Fort Payne was an unknown country village. New Englanders took hold of it, and inside of that brief period have invested several million dollars there in building an industrial town, and now furnaces, large steel works, hardware factory, and other plants are under construction. Several thousand busy, progressive people, mainly New Englanders, are vigorously pushing Fort Payne to a leading position among the industrial cities of the South.

THE IRON INTERESTS OF THE SOUTH.

During the severe depression in the iron business in 1884 and 1885, when many Northern furnaces were compelled to go out of blast because they could not make iron and sell it at the prices then ruling without a heavy loss, Alabama and Virginia furnaces commenced to invade Eastern markets more freely than ever before. It is of no more than passing interest to note that the South's pig-iron production attracts the greatest attention during periods of severe depression and low prices. The fact that Southern furnaces continue to run through such periods, and even to make money, while so many Northern furnaces are forced to blow out, is an argument to which there is no reply.

The South's percentage of the total production of pig-iron is greater during years of dullness than in active times, and this is the best of all tests, for when business is brisk and prices high, nearly all furnaces, even though many may be badly located, can continue in operation. This point was illustrated during the depression of 1884-'85. In 1880 the South made 397,301 tons of pig-iron; in 1885 it made 712,835 tons—a gain of 315,534 tons. Three States—Virginia, Alabama, and Tennessee—which, in 1880, produced 178,006 tons of pig-iron, in 1885 produced 352,419 tons—an increase of 374,413 tons, or 139,958 tons more than the net increase in the United States, the production in the whole country outside of these three States being 234,455 tons less in 1885 than in 1880.

This condition of affairs was in part repeated during 1888. The extremely low prices then prevailing caused the blowing out of many Northern furnaces, while Southern furnaces were pushed to their utmost capacity, new ones blowing in as fast as completed; and out of the profits made during even the dull times of 1887 and 1888 a number of new furnaces are being built.

In 1884-'85, when the shipments of Southern iron to Eastern markets first commenced to attract much attention, but few Northern iron-makers believed it possible for Southern furnaces to ship their iron East, paying from \$3 to \$5 per ton freight, with any profit, and it was repeatedly stated that it was only a question of time how long they could stand what was said to be a heavy loss on every ton thus shipped. Month after month passed by and Southern furnaces, instead of failing, continued to present every evidence of prosperity, while the men who had had the longest experience in the business and who, it was said, must be losing money, went on increasing their production by building new furnaces.

This was a phase of the matter which the skeptics could not quite understand, but still they were not fully converted, and various excuses were found to account for the new furnace projects. For awhile they credited them to "land speculations," "corner lots," "town booming," and such things, declaring that it was a great bubble which would soon be pricked. About that time Mr. Samuel Thomas, of the Thomas Iron Company, of Pennsylvania, which is usually supposed to virtually control prices on all Pennsylvania iron, so extensive are its operations, after carefully investigating for himself the resources of Alabama, commenced the erection in that State of one of the finest furnace plants in America. And now, after proving by actual work the profits of iron-making there, he is building another furnace and an immense rolling-mill, and rumor (which in this case is doubtless correct) says that he will build still other furnaces until his Alabama plant is one of the largest in America. His locating in Alabama was an argument against which the Northern skeptics could bring nothing.

The fact that the leading iron-maker of Pennsylvania, after close investigation, was willing to back his judgment as to the future of Alabama iron, to the extent of a million dollars, convinced the iron-men of the North that it would be folly to attempt to ignore the possibilities of the South in this direction any longer.

The development of the South's iron interests has not been confined simply to the making of pig-iron. Not content with making pig-iron alone to be shipped North and there turned into the finished product and reshipped South in the shape of stoves, agricultural implements, car-wheels, iron pipe, and the thousand and one other articles into the manufacture of which pig-iron enters, the South is very wisely diversifying its industries by preparing to consume at home the product of its own furnaces, and so great is the progress in this direction that it is already producing almost every variety of goods, from pins and tacks to locomotives.

The double freight and the attendant expenses are thus saved, while Southern labor receives the benefit of the work afforded in these varied industries. A large amount of Southern iron will continue to find a market in New York, Pennsylvania, and other Eastern States, as well as in the West, and transportation companies will continue to increase their facilities for this business. But while this is true, there will be an ever-increasing home consumption of iron. Rolling-mills, pipe-works, car wheel and axle works, foundries, and machine-shops are multiplying so rapidly that instead of the South being dependent upon other sections for the product of such works, it will soon invade the North and West, not simply with pig-iron, but with the finished goods.

According to the United States census report of 1880 on iron and steel manufacture, prepared by Mr. James M. Swank, secretary of the American Iron and Steel Association, and a noted expert, "the average distance over which all the domestic iron ore which is consumed in the blast-furnaces of the United States is transported is not less than 400 miles, and the average distance over which the fuel which is used to smelt it is transported is not less than 200 miles. From the ore mines of Lake Superior to the coal of Pennsylvania is 1,000 miles. Connelville coke is taken 600 miles to the blast-furnaces of Chicago and 750 miles to the blast-furnaces of St. Louis." About 1,000,000 tons of ore are now annually imported at Baltimore and Philadelphia from Spain, Africa, the islands of

Elba and Cuba, and shipped hundreds of miles into the interior to the furnaces of Pennsylvania.

Against this long transportation of ore and fuel to Northern furnaces, averaging 400 and 500 miles respectively, with the heavy freight attendant upon it, the furnaces of the South have the advantage of ore, coal, and limestone almost at their very doors, and in such close proximity that these three materials can truthfully be said to be side by side. There is no expensive transportation to bring them together at the furnace, for nature has seemingly done her best for this favored territory, as though she intended that here should be the most advantageous point in all the world for the production of pig-iron.

In many places in the iron regions of the South the furnaces are literally surrounded by inexhaustible supplies of ore, coal, and limestone, the transportation in some cases being but a few hundred yards. This point is enforced in a letter from Mr. R. W. Raymond, a well-known mining engineer, and secretary of the American Institute of Mining Engineers. After investigating the advantages of the Birmingham district, Mr. Raymond wrote:

"Those who had not previously visited the district were impressed with its remarkable advantages for the production of cheap iron. The ore, coking coal, and excellent limestone are in contiguity, and it is figured that the total cost of material at furnace in the Birmingham district will average about \$1.121 per ton of iron produced, as against \$4 and \$5 in the Lehigh and Schuylkill valleys."

Here is an admitted difference of between nearly \$3 and \$4 a ton, and in many cases the margin is still wider.

The Iron Age, the standard Northern authority on iron matters, a year ago, after its editor had spent some time in Alabama, admitted that iron is made there as low as \$10.50 to \$11 a ton, "including fair allowances for interest on plant, a moderate royalty charge on ore and coal for exhaustion of lands, and a safe margin for ordinary repairs, replacement, taxes, and cost of water." But dealing with the industry as it exists to-day, a candid survey of the situation will lead to the admission that if it should come to a struggle between the furnaces in Eastern Pennsylvania, New Jersey, and New York, which produce chiefly foundry brands for the open market, and the makers of the South, no inconsiderable number of the former would be unable to survive very long.

Mr. Andrew Carnegie, the leading iron and steel maker of America, after his visit to the South last winter, wrote a letter to the Manufacturers' Record, in which he said of Alabama furnaces: "Ten dollars per ton cost for their foundry iron is a liberal estimate with good management, and for a series of years some of the best located and best managed furnaces may be able to do even better than this figure. But as far as I could see the average cost of the district must be in the neighborhood of \$10, everything counted. The ability to manufacture at this price must give the Southern manufacturers a large market for their pig-iron. When the next stage comes, and they seek to manufacture the pig-iron into more advanced forms, I believe it will be done by converting pig into steel by means of Bessemer and open-hearth processes." This admission, that the "average cost, everything counted," is about \$10 a ton for foundry iron, will undoubtedly carry great weight, but there are furnaces in Alabama which make iron at probably not over \$8.50 a ton.

In the early part of 1889 Mr. Abram S. Hewitt visited the South and expressed himself very freely and very enthusiastically over the future of its iron interests, and, in an interview published in England during his visit there, said that it was possible to make iron in the South at \$7.50 a ton.

In writing of the South's iron interests a few years ago, Col. A. K. McClure, of Philadelphia, said:

"It is idle for Pennsylvania and other great iron and coal producing States to close their eyes to the fact that we have reached the beginning of a great revolution in those products. No legislation, no sound public policy, no sentiment can halt such a revolution when the immutable laws of trade command it; and the sudden tread of the hordes from the northern forests upon ancient Rome did not more certainly threaten the majesty of the mistress of the world than does the tread of the iron and coal diggers of Alabama threaten the majesty of the Northern iron and coal fields."

"These lessons come upon us plain as the noon-day sun, and it is mid-summer madness not to read and understand. We can not war with destiny, we can not efface the beneficent gifts of Him who leads the waters to the sea and sends them back in the dew and rains of heaven. Alabama has been gifted far beyond even our boasted empire of Pennsylvania, and only the Southern sluggard has hitherto given the race to the North. Now there is a new South, with new teachings, new opportunities, new energies, and manifestly a new destiny, and the time is at hand when a large portion of the great iron and coal products of the country which enter competing centers will be supplied cheaper from Alabama than from any State in the North. How Pennsylvania will solve the problem I do not assume to decide, but the logical result would be the transfer of the portion of the iron industry that can best prosper here (in the South) from the North to the South, just as the spinning and weaving of cotton must soon come to the cotton-fields, and the better water-power and climate which they furnish."

The iron-makers of the South having established this industry upon such a broad and solid basis as to fully convince the entire business world of its permanency and magnitude, have for many months been devoting very close study to the opportunities for steel making. They are not content to confine their operations to producing pig-iron and leave to the North and the West the more desirable business of manufacturing steel. For a while it was claimed that the South had no ores suitable for making Bessemer iron and steel, and would only be able to engage in the manufacture of basic steel. Recent events have proved that this is a mistake. There are practically unlimited supplies of high-grade Bessemer ores in different parts of the South, and arrangements have lately been matured for utilizing them on a large scale.

The first company actively organized to build a Bessemer plant south of Maryland was the North Carolina Steel and Iron Company, which was formed on November 30, 1889, with a capital stock of \$1,000,000. This company is composed of a number of leading capitalists and some prominent officers in Southern railroads. It purchased extensive Bessemer-ore properties, besides several thousand acres of land at Greensborough, N. C., and at this place expects to build furnaces to make Bessemer iron, and follow these with a steel-rail mill, rolling-mill, etc. It is a conservative statement to say that North Carolina has Bessemer ores in sufficient quantity to be practically inexhaustible for generations to come, though every Bessemer furnace in the country were to draw its ore supplies from that State. The future of the State as an iron-producing territory is exceedingly bright. The building of new railroads is opening up the mountainous regions where Bessemer ores are found in such abundance, and the nearness of these ores to the Kentucky and Virginia coking-coal fields promises to give this territory exceptional advantages for producing cheap iron and steel.

In Llano County, Texas, there is Bessemer ore of remarkably high quality, analyzing in some cases 70 and 71 per cent. metallic iron. Investigations have been in progress for some time to determine the quantity, and these reports are so favorable, both as to quantity and quality, that arrangements are being made for very extensive operations for mining the ore, and also for converting it into iron and steel, both at Llano and Denison. Members of the Standard Oil Company have been making careful investigations in this section, having in view the erection of large steel-works at Denison, good coking coal being found near that town.

The production of pig-iron in net tons in the South for each year from 1880 to

1889, according to the official report of the American Iron and Steel Association, was as follows:

States.	1880.	1881.	1882.	1883.	1884.
Maryland	61,437	48,758	54,524	49,153	27,342
Virginia	29,934	83,711	87,731	152,907	157,483
North Carolina		800	1,150		435
Georgia	27,321	37,404	42,364	45,364	42,655
Alabama	77,190	98,081	112,765	172,465	189,664
Texas	2,500	3,000	1,321	2,381	5,140
West Virginia	70,338	66,409	73,220	88,398	55,231
Kentucky	57,708	45,973	66,522	54,629	45,052
Tennessee	70,873	87,406	137,602	133,963	134,597
Total	397,301	451,540	577,275	699,260	657,599

States.	1885.	1886.	1887.	1888.	1889.
Maryland	17,299	30,502	37,427	17,606	33,847
Virginia	163,782	156,250	175,715	197,396	251,356
North Carolina	1,790	2,200	3,640	2,400	2,898
Georgia	32,924	46,490	40,947	39,397	37,559
Alabama	227,438	283,850	292,762	449,492	791,425
Texas	1,843	3,250	4,383		4,544
West Virginia	69,007	98,618	82,311	95,259	117,900
Kentucky	37,553	54,844	41,907	56,790	42,518
Tennessee	161,199	199,166	250,344	267,931	294,655
Total	712,835	875,179	929,436	1,132,858	1,566,702

Total for whole country.

Years.	Tons.	Years.	Tons.
1880	4,295,414	1885	4,529,869
1881	4,641,564	1886	6,365,328
1882	5,178,122	1887	7,187,206
1883	5,146,972	1888	7,269,628
1884	4,589,613	1889	8,517,068

The most striking fact in connection with the output of iron in the two sections is brought out by comparing the production of 1887 and 1888, two years of dullness in the iron trade, and, as already said, it is during such periods as these that the South's advantages are made the more apparent. In 1887 the South produced 929,436 tons of iron, and in 1888, 1,132,858 tons, a gain of 203,422 tons, while the North, which made 6,257,770 tons in 1887, made 6,136,770 tons in 1888, a decrease of 121,000 tons. Presented in tabular form this makes the following showing:

Production of iron—	1887.	1888.	Increase.	Decrease.
	Tons.	Tons.	Tons.	Tons.
In the South	929,436	1,132,858	203,422	
In the rest of the country	6,257,770	6,136,770		121,000

As suggestive as these figures are, the margin of difference in the amount of iron produced in the two sections will rapidly narrow, as year after year the South, which is just on the threshold of its iron development, increases the number of its furnaces, while in the North many old furnaces are being abandoned and comparatively few new ones are being built. The production of iron in the South jumped from 1,132,858 tons in 1888 to 1,566,702 tons in 1889. A number of large new furnaces went into blast late in the year, and hence their output will be more noticeable in 1890, during which year the South will probably produce over 2,000,000 tons of iron.

In the ten years from 1880 to 1889 the South increased its iron output from 397,301 tons to 1,566,702 tons, while the gain in the rest of the country was from 3,898,113 to 6,950,366 tons. The percentage of increase was 294 in the South and 78 in the rest of the country. The South enters upon the new decade with every assurance of making a still better comparative showing at the end of 1899 than even this record of 1880-1889.

THE RAPID INCREASE IN COAL MINING.

The magnitude of the wealth of the South in coal is beyond computation. The entire coal area of Great Britain covers 11,900 square miles, while West Virginia alone has 16,000 square miles of coal fields; Alabama, 8,660 square miles; Kentucky, nearly 13,000; Tennessee, 5,100; Arkansas, over 9,000, and other Southern States considerable coal areas. Moreover, the coal is easily and cheaply mined, and is, as to much of it, of the best quality.

The production of coal in each Southern State in 1880, 1882, 1887, 1888, and 1889 was as follows:

States.	1880.	1882.	1887.	1888.	1889.
	Tons.	Tons.	Tons.	Tons.	Tons.
Maryland	2,228,917	1,294,316	3,278,023	3,479,470	3,213,886
Virginia	45,895	100,000	825,263	1,073,000	1,592,485
West Virginia	1,839,845	2,000,000	4,836,820	5,498,800	4,726,047
Georgia	154,644	175,000	313,715	230,000	265,000
Alabama	323,972	800,000	1,900,000	2,900,000	4,000,000
Tennessee	495,131	850,000	1,900,000	1,967,000	2,500,000
Arkansas	14,778	50,000	150,000	193,600	250,000
Texas			75,000	90,000	290,000
Kentucky	946,298	1,300,000	1,933,185	2,576,220	2,750,000
Total	6,049,471	6,564,316	15,212,036	18,001,270	19,497,418

These figures were compiled by Mr. F. E. Seward, editor of the Coal Trade Journal, New York.

In 1882 the South produced 6,569,316 tons of coal; in 1889, 19,497,418 tons.

SOME FACTS ABOUT COTTON—\$8,000,000,000 DRAWN TO THE SOUTH SINCE 1865 TO PAY FOR COTTON.

Cotton is one of the most remarkable products that enter into the world's commercial and industrial interests. Its production gives the South a very great advantage over any other section of the country. Cotton is always in demand and its consumption is steadily on the increase. The simple fact that since 1865 nearly \$8,000,000,000 have been brought into the South to pay for cotton explains in part the marvelous recuperative powers of this section since the war. While bad agricultural methods have made cotton-raising unprofitable to many farmers, yet there is no question that cotton is one of the most profitable crops that can be raised when its cultivation is carried on intelligently on a cash basis. Southern farmers who raise their own foodstuffs, making cotton their surplus money crop, find it a very profitable one, and almost invariably become well-to-do annually.

The South produces about three-fourths of the world's annual cotton crop, but manufactures only about 7 or 8 per cent. of what it raises, the balance furnishing the material for work for millions of spindles in New England and in Europe. The total cotton crop of the world now runs from about 10,000,000 to 11,000,000 bales, of which the South raises on an average, of late years, 7,000,000 bales. Upwards of 80,000,000 spindles are in operation in the world, and of this number the South has but 2,000,000, but it should be remembered that in 1880 the South had only 600,000 spindles. The increase in the number of its spindles has been surprisingly great, and the future promises still more rapid growth.

Some facts regarding the production of cotton, its value, and the amount exported will prove of interest.

Cotton trade of the United States since 1865.

Crop years from July 1 to August 31.	Acreage.	Total crop.	Total value.
		<i>Bales.</i>	
1865-'66		2,269,316	\$432,331,139
1866-'67		2,097,254	394,199,007
1867-'68		2,519,554	478,618,580
1868-'69		2,366,467	404,810,362
1869-'70		3,122,551	529,466,391
1870-'71		4,352,317	726,061,036
1871-'72	8,911,000	2,974,351	574,569,592
1872-'73	9,560,000	3,930,508	633,278,121
1873-'74	10,816,000	4,170,338	710,063,419
1874-'75	10,992,000	3,832,901	672,177,136
1875-'76	11,635,000	4,632,313	799,445,168
1876-'77	11,500,000	4,474,069	752,602,340
1877-'78	11,825,000	4,778,865	756,768,165
1878-'79	12,240,000	5,074,155	836,586,031
1879-'80	12,680,000	5,761,252	913,696,452
1880-'81	16,123,000	6,605,750	1,056,524,911
1881-'82	16,851,000	5,456,048	904,298,744
1882-'83	15,276,000	5,949,756	927,938,137
1883-'84	16,780,000	5,713,300	988,803,902
1884-'85	17,426,000	5,706,165	987,253,972
1885-'86	18,379,444	6,575,691	1,113,723,080
1886-'87	18,581,012	6,508,067	1,094,504,215
1887-'88	18,961,897	7,046,833	1,236,433,693
1888-'89	19,058,591	6,938,290	1,350,000,000
1889-'90		7,250,000	1,300,000,000
Total			7,867,113,555

* Estimated.

Crop years from July 1 to August 31.	Consumption in United States.	Foreign exports.	Value of exports.
	<i>Bales.</i>	<i>Bales.</i>	
1865-'66	666,100	1,554,664	\$281,335,223
1866-'67	770,030	1,557,054	301,470,422
1867-'68	906,036	1,655,816	382,820,733
1868-'69	926,375	1,465,880	362,633,032
1869-'70	855,160	2,306,480	527,027,634
1870-'71	1,110,196	3,169,969	718,327,100
1871-'72	1,237,330	1,937,314	380,684,595
1872-'73	1,201,127	2,679,986	527,243,069
1873-'74	1,305,943	2,840,981	511,223,580
1874-'75	1,193,005	2,684,708	490,638,625
1875-'76	1,351,870	3,234,244	592,659,235
1876-'77	1,428,013	3,080,835	571,118,506
1877-'78	1,490,022	3,360,204	590,031,484
1878-'79	1,558,329	3,491,004	602,304,250
1879-'80	1,790,978	3,965,003	711,535,905
1880-'81	1,989,987	4,598,246	847,695,796
1881-'82	1,964,595	3,682,622	690,812,644
1882-'83	2,073,096	4,766,597	824,921,413
1883-'84	1,876,683	3,916,581	697,994,295
1884-'85	1,753,125	3,947,972	688,744,892
1885-'86	2,163,544	4,526,508	806,879,697
1886-'87	2,111,532	4,453,020	795,243,843
1887-'88	2,257,247	4,637,502	830,928,551
1888-'89	2,314,091	4,745,247	877,775,270
1889-'90			850,000,000
Total			5,161,999,736

It may be asked, if \$7,800,000,000 of outside money has gone South since 1865 to pay for cotton, what has been accomplished, and why is the South still comparatively poor? The answer is, that the condition of the agricultural interests of this section after the war, due to the extreme poverty of the people at the close of that disastrous struggle, to the system of securing money in advance by mortgaging the cotton to be raised, the exorbitant rates of interest, and the purchase, of necessity, of farm and house supplies on credit at from 75 to 80 per cent. more than cash price, tended to consume the entire profits on the production of cotton. Until very recently this condition was against the raising at

home of corn, bacon, and other necessities; and almost the entire aggregate received for cotton went back to the North for foodstuffs. The lack of manufactures necessitated dependence upon other sections for almost every line of manufactured goods, from a pin to a locomotive.

A careful study of the history of this section will show that the South was not to blame, except to a limited extent, for this condition of affairs. Gradually the people rallied from the disasters of war and commenced the development of manufactures and the diversification of their farm products. Their "smoke-house and corn-crib" have ceased to be in the West, and the South is now nearly self-supporting in supplying its consumptive requirements for foodstuffs. Cotton is yearly becoming more and more a surplus stock, and the several hundred millions of dollars which it annually yields will in the future largely remain here for the enrichment of this section, instead of going North and West to pay for bacon, breadstuffs, and manufactured goods.

In this change there is a revolution in the currents of business that must produce surprising results. Added to the one or two hundred millions of dollars of cotton money that have for twenty-five years annually gone North, but which will now remain in the South, will be an equal or possibly a greater amount brought to the South to pay for the iron, the lumber, and the cotton goods that are now being shipped North, the millions that will come to pay for mineral and timber lands, the fifty millions or more that are now paid for early vegetables and fruits, and the great aggregate, reaching probably already twenty million dollars, spent by winter visitors who come South to enjoy its climate. These facts are astounding. They can but impress any one with the mighty change that is now being wrought out in the condition of the South.

That the South, which produces the cotton, is destined to manufacture it, admits of no questioning. The South has the natural advantages necessary for success in this business, and whatever difficulties there may be in the way are easily overcome when practical experience, backed by capital, is brought to bear upon the matter. There may be times of depression, but this will not stop the sure and steady growth of this great industry. Good operatives, it has been said by some, can not be had in the South, and this section can never hope, so some of our New England friends claim, to do anything more than manufacture coarse goods. But a few years ago the same people were just as ready to claim that cotton manufacturing, even of coarse goods, would never amount to much in the South.

Forced now to admit that Southern mills control this branch of the business, they fall back on the threadbare argument against the possibility of the Southern mills ever successfully competing with New England mills on the finer goods. Before many years have passed they will be forced to abandon this. Every cotton mill that goes into operation in the South helps to make more certain the future supremacy of this section in every branch of this industry. With the increase in this business the number of trained operatives increases, and the skill necessary for the production of finer goods will be found ready at hand when the cotton manufacturers of the South decide that the time has come for devoting more attention to fine goods.

It was but a few years ago when the statement that the South would, in time, control the iron market of the country was ridiculed, and the reply made that, while the South might produce a large quantity of low-grade pig-iron, it could never hope to compete with the North in the finer finished products of iron and steel, where an abundance of capital and skilled mechanics would enable that section to still control this branch of the business. At first the South demonstrated that it could make pig-iron more cheaply than any other part of this country. Having done this attention was turned to the building of enterprises for producing the finished goods. The locomotive works, the car and car-wheel works, tack factories, stove foundries, hardware factories, nail mills, engine works, saw factories, and hundreds of kindred enterprises are daily proving that the South can manufacture every variety of fine products requiring the highest skilled labor. As in iron, so it will be in cotton. When the time is ripe, and that time seems to be at hand, for the South to turn its attention to finer qualities of cotton goods, it will do so, and do it successfully.

In 1880 the census reported \$207,781,868 invested in cotton manufacture in the United States, and the consumption of cotton by American mills 1,570,342 bales, or much less than one-fourth of an average crop. On this basis it would require an investment of over \$800,000,000 in mills to consume our entire cotton crop; so we can form some idea of what the magnitude of the cotton-manufacturing interests is. Out of an estimated total of 80,000,000 spindles in the world, the United States has only about 13,000,000. Great Britain having over one-half, or 42,000,000. The Manufacturers' Record lately compiled, through special reports from cotton mills in the South, a list of all the mills in that section, with the number of spindles and looms in each; and, comparing these figures with the reports of the census of 1880, we have the following interesting table, showing a most remarkable increase:

States.	July 31, 1880.			May, 1890.		
	No. of mills.	No. of spindles.	No. of looms.	No. of mills.	No. of spindles.	No. of looms.
Alabama	21	121,904	2,414	16	49,432	863
Arkansas	5	13,900	224	3	2,015	28
Florida	1	1,400		1	816	
Georgia	73	435,998	10,246	40	198,656	4,493
Kentucky	6	45,300	677	3	9,022	73
Louisiana	5	60,280	1,584	2	6,096	120
Maryland	25	175,642	3,536	19	123,706	2,428
Mississippi	11	60,396	2,054	8	18,568	644
North Carolina	111	396,637	7,851	49	92,385	1,790
South Carolina	44	417,730	10,687	14	82,334	1,676
Tennessee	31	126,321	2,478	16	35,796	818
Texas	8	50,668	496	2	2,648	71
Virginia	14	99,880	2,754	8	44,340	1,322
Total	255	2,035,258	45,001	161	667,854	14,323

These figures show that the number of mills now in the South as compared with 1880 has doubled, while the number of spindles and looms has more than trebled, the tendency being to build mills of greater capacity than formerly. From 161 mills, having 667,854 spindles and 14,323 looms in 1880, this industry has increased until there are now 355 mills, with 2,035,258 spindles and 45,001 looms in the South. An remarkable as is this increase, these figures really do not fully represent the development of this business, for they do not include the spindles and looms of many new mills now under construction, and others upon which work will shortly begin.

The importance of developing this industry can not be too strongly emphasized. It keeps at home the great wealth produced in manufacturing the South's leading staple. As already shown, on the basis of the capital invested and the bales of cotton consumed in American mills in 1880, an investment of \$800,000,000 would be required to manufacture the entire cotton crop of this

country. Instead of selling for about \$350,000,000 a year, as the cotton crop now does, it would, if wholly manufactured in the South, represent over \$1,000,000,000 a year. Cotton mills furnish employment to a large class of labor that must remain idle for lack of work except as this business grows. In every town and city of the South there are hundreds, and in some, thousands, of white women and girls anxious to work, while there is no work for them.

The mills of the Southern States possess a decided advantage over the mills in the North and Great Britain in that they have the raw cotton at their doors; and that this alone represents a money value sufficient to give them control of the coarse goods, has been fully demonstrated within the last ten years. This difference can be more clearly shown by the following illustration: Let us assume a 40,000-spindle mill is located at any well-selected site in the cotton-growing section of the Southern States. This mill, properly equipped with the latest and most approved style of machinery for the manufacture of standard 4-1 sheetings to Nos. 12 to 14 yards, would cost complete \$800,000, and would consume 20,000 bales of cotton per annum. It is variously estimated that the difference in cost of a bale of cotton—490 pounds—between the mills in Augusta, Ga., and Fall River, Mass., is from \$4 to \$6 a bale. Assume the lowest estimate of \$4 per bale, and you have 20,000 multiplied by \$4 equals \$80,000 in favor of the Augusta mill, or a saving of 10 per cent. on the complete cost of the mill in cotton alone.

IN AGRICULTURE THE SOUTH LEADS—A MARVELOUS RECORD OF PROGRESS MADE BY SOUTHERN FARMERS.

The industrial development of the South has attracted so much attention that no one will question its magnitude, but there are few who realize the extent of the progress made of late years by the agricultural interests of this section. It is the combination of increasing agricultural prosperity and industrial activity which has placed the South in its present favorable financial condition. It will be well to show by statistics what the farmers have done since 1870. The production of leading crops in 1870, 1887, 1888, and 1889 in the South was:

Crop.	1870.	1887.	1888.	1889.
Cotton.....bales...	3,011,995	7,017,707	6,908,290	7,250,000
Corn.....bushels...	249,072,118	492,415,000	509,705,000	519,517,000
Wheat.....do.....	33,341,340	52,384,000	44,207,000	55,060,000
Oats.....do.....	31,973,542	81,506,000	78,254,000	77,714,000

Increase in 1889 over 1870 (estimated):

Cotton.....bales...	4,238,004
Corn.....bushels...	270,444,882
Wheat.....do.....	21,718,660
Oats.....do.....	45,740,458

From 3,000,000 bales of cotton in 1870, the yield in the South advanced to 7,250,000 bales in 1889. Thus it has largely more than doubled its cotton crop. Better still, it increased its corn production from 249,000,000 bushels in 1870 to 519,517,000 in 1889, a gain of 270,000,000 bushels. In wheat, the South's increase in 1889 over 1870 was nearly 22,000,000 bushels, and in oats the South increased from 31,970,000 bushels in 1870 to 77,714,000 bushels in 1889, a gain of 45,000,000 bushels. It is since 1870 or 1889, however, that the South has made the most marked agricultural progress.

The yield of principal crops in the South in 1879, 1887, 1888, and 1889 was as follows:

Crop.	1879.	1887.	1888.	1889.
Cotton.....bales...	5,735,359	7,017,000	6,938,290	7,250,000
Corn.....bushels...	333,121,290	492,415,000	509,705,000	519,517,000
Wheat.....do.....	54,476,740	52,384,000	44,207,000	55,060,000
Oats.....do.....	43,476,600	81,506,000	78,254,000	77,714,000
Total grain.....do.....	431,074,630	626,305,000	632,166,000	632,291,000

Increase over 1879 (estimated).

	Cotton.	Grains.
In 1880.....bales...	1,494,641	221,216,370
In 1886.....do.....	1,244,641	201,091,370
In 1887.....do.....	1,261,641	195,230,370

These figures show an increase in the production of grain from 1879 to 1888 of over 200,000,000 bushels. How does this increase compare with the production in the rest of the country? The following figures show:

Yield in whole country, except the South.

Grain.	1879.	1887.	1888.	1889.
Corn.....bushels...	1,214,789,500	963,746,000	1,478,085,000	1,593,375,900
Wheat.....do.....	394,279,800	403,945,000	371,061,000	435,500,000
Oats.....do.....	320,293,720	578,112,000	623,451,000	573,801,000
Total.....	1,929,354,110	1,945,803,000	2,473,227,000	2,702,676,900

Notwithstanding the fact that the West produced last year the largest corn crop ever made, the increase as compared with 1879 was only 31 per cent., while the increase in the South's corn crop from 1879 to 1889 was 55 per cent.

A comparison of the yield of corn by States in the South in 1879 and 1889 will show how general has been the advance:

Yield of corn..

States.	1879.	1889.
Maryland.....bushels...	13,721,000	15,105,000
Virginia.....do.....	19,957,600	34,231,000
North Carolina.....do.....	25,678,500	33,050,000

Yield of corn—Continued.

States.	1879.	1889.
South Carolina.....bushels...	9,702,000	18,310,000
Georgia.....do.....	20,627,400	33,730,000
Florida.....do.....	1,945,650	5,205,000
Alabama.....do.....	25,463,300	33,944,000
Mississippi.....do.....	24,226,400	29,474,000
Louisiana.....do.....	12,592,500	18,949,000
Texas.....do.....	29,198,000	83,608,000
Arkansas.....do.....	22,432,800	41,608,000
Tennessee.....do.....	50,897,500	80,831,000
West Virginia.....do.....	11,392,600	15,199,000
Kentucky.....do.....	64,736,000	75,382,000
Total.....	333,121,250	519,517,000

A comparison of the value of live-stock in the South in 1879 and on January 1, 1889, will prove of interest:

Stock.	1879.	1889.
Horses.....	\$127,502,759	\$168,082,001
Mules.....	65,069,675	117,178,894
Milch cows.....	47,630,990	60,515,924
Oxen and other cattle.....	87,019,999	133,919,075
Sheep.....	19,262,888	17,239,517
Hogs.....	44,935,943	63,226,139
Total.....	391,412,254	569,161,550
Increase.....		177,749,296

This is a pretty healthy increase in the value of live-stock between 1879 and 1889.

The total values of the chief agricultural products of the South for 1879 and 1889 (omitting sugar, rice, fruits, and vegetables, etc., the value of which is not given in the United States Agricultural Department's reports), partly estimated, compare as follows:

Products.	1879.	1889.
Cotton.....	\$227,803,000	\$390,000,000
Corn.....	187,958,752	221,476,502
Wheat.....	65,575,378	41,701,792
Potatoes, barley, hay, tobacco, etc.....	69,478,313	100,000,000
Oats.....	20,198,011	28,763,062
Total.....	571,098,454	784,941,256
Increase.....		213,842,802

If to these figures we add the increase in fruits, vegetables, etc., the total gain in the value of agricultural products of the South in 1889 over 1879 was upwards of \$250,000,000, while during the same time the increase in the value of live-stock was, as has already been shown, \$177,749,000. The crops of 1889 in the South were the largest ever raised. It is estimated that the cotton yield will reach 7,250,000 bales, and the corn crop was 519,517,000 bushels. Of fruits and vegetables, such crops as the South produced in 1889 were beyond anything known before in that section, and many millions of dollars were drawn from the North and West to pay for early Southern fruits and market produce. A conservative estimate would place the aggregate value of the South's agricultural products in 1889 at not less than \$850,000,000.

RAILROADS—THE SOUTH THE CENTER OF ACTIVITY IN RAILROAD-BUILDING.

Although the mineral resources of the South and its vast forests have attracted widespread attention and drawn millions of dollars of capital to this section for investment, yet the development of its railroad interests has received still greater consideration and absorbed even more money.

The magnitude of the investments made in Southern railroads since the 1st of January, 1880, is almost beyond comprehension. In nine years 20,000 miles of new road, not counting sidings and switches, have been laid in the fourteen Southern States. In 1880 the South had 20,612 miles of road, while at the end of 1889 it had 40,521. The gain has been nearly 100 per cent., while from 1880 to 1889 the gain in the whole country was only about 64 per cent.

In 1886 the South built 20 per cent. of the total new mileage of that year; in 1887 it built 23 per cent.; in 1888, 35 per cent.; and during 1889, 40 per cent. These facts indicate how rapidly the South is gaining in railroad construction as compared with the rest of the country. That the railroad mileage of the South has made a larger per cent. of gain than the West is an astonishing fact, in view of the tremendous growth of the great West, to which the millions of foreign immigrants that have landed in this country have mainly gone. The South, with but little immigration, and not yet fully recovered from the poverty entailed by the most disastrous war in the history of the world, is making a greater rate of progress in railroad building than even the rich and powerful West. In 1880 the total mileage of the country was 98,236 miles, and of this 20,562 miles, or 20 per cent., were in the South, while in 1889 the South had 40,521 miles out of a total of 161,270, or 25 per cent.

Poor's Railroad Manual, the standard authority on such matters, gives the actual cost by States of all railroads in the country and their equipment, showing a total for the South in 1888 of over \$1,400,000,000, against \$979,000,000 in 1880, or an increase of about \$721,000,000, to which may be added \$50,000,000 or more for 1889, making the amount expended in the development of Southern railroads in the last ten years about \$890,000,000.

All indications point to the greatest activity in railroad construction in the South during the next few years that has ever been seen in this section. So great is the increase in the volume of freight that there is scarcely a road in the South that is not blocked with business, and the double tracking of nearly all leading Southern roads is becoming a pressing necessity.

The future of Southern railroad interests is very promising. The traffic will develop faster than facilities can be provided for handling it, and the prosperity of the South means the prosperity of its railroads.

The railroad mileage by States in the South at the end of 1880 and 1889 was as follows:

States.	1880.	1889.
	Mileage.	Mileage.
Maryland and District of Columbia.....	1,040	1,214
Virginia.....	1,893	3,188
West Virginia.....	691	1,330
North Carolina.....	1,484	2,793
South Carolina.....	1,427	2,127
Georgia.....	2,459	4,277
Florida.....	518	2,433
Alabama.....	1,843	3,116
Mississippi.....	1,127	2,417
Louisiana.....	652	1,615
Arkansas.....	859	2,112
Texas.....	3,244	3,491
Tennessee.....	1,843	2,651
Kentucky.....	1,530	2,754
Total.....	20,612	40,521

THE SOUTH'S INCREASING FOREIGN COMMERCE.

A very striking fact in connection with the general growth of the South is the great increase in the foreign commerce of every Southern port during 1889. From the official statistics of the Bureau of Statistics the following figures have been compiled:

Ports.	Value of foreign exports.	
	1889.	1888.
Baltimore.....	\$62,091,733	\$45,104,613
Beaufort, S. C.....	1,106,296	849,839
Brazos, Tex.....	818,726	726,273
Brunswick, Ga.....	8,200,773	4,617,903
Charleston, S. C.....	16,365,933	13,003,628
Corpus Christi.....	2,653,832	1,952,812
Fernandina.....	316,468	170,377
Galveston.....	23,836,075	14,496,669
Key West.....		438,056
Mobile.....	3,918,206	3,442,619
New Orleans.....	101,328,575	80,906,145
Newport News.....	6,373,066	6,281,664
Norfolk.....	12,812,334	13,812,641
Pearl River, Miss.....	1,091,949	851,586
Pensacola, Fla.....	8,705,404	2,691,298
Richmond.....	10,562,744	8,862,728
Salina, Tex.....	1,467,824	1,325,122
Savannah.....	27,604,404	17,850,223
Teche, La.....	16,846	3,238
Wilmington, N. C.....	6,319,215	6,198,144
Total.....	290,540,296	223,581,558
Increase in 1889 over 1888.....	66,958,838	

The total increase for the whole country was \$135,489,323, and of this gain the South had nearly one-half. The percentage of increase in the South was 29, against 14 in the balance of the country. These figures are extremely gratifying to all interested in the progress of the South. They show that its commerce is keeping even step in the march of progress with its industrial interests. While the South's foreign commerce has been growing so rapidly, as shown by these figures, its coastwise trade has developed probably with still greater rapidity, though there are no sources of exact statistical information on the subject.

TEN YEARS OF BANKING—THE SOUTH LEADS IN THE RATE OF INCREASE IN NATIONAL BANKING.

A substantial business community must have a substantial banking system. Hence, to ascertain the stability of any community one naturally turns to its banks first to see what their standing is.

The condition of the national-banking system in 1879 well illustrates the true business situation in that year. In the whole country were 2,048 banks. Eleven hundred and sixty-six of these were in the North, which includes the New England States, New York, New Jersey, Pennsylvania, and Delaware. In the West, which had at this time reached a high state of development, were 669 banks. This includes the States from Ohio on the east to Kansas and Nebraska on the west and Missouri and the Ohio River on the south. In the Southern States south of the Ohio and westward to and including Arkansas and Texas were 220 banks. It will thus be seen that the North had nearly twice as many banks as the West and over five times as many as the South.

The capital stock of these 1,160 banks in the North was \$321,905,250, that of the 669 banks in the West \$63,906,000, and that of the 220 banks in the South \$45,408,965. That is, the banking capital of the North was nearly four times that of the West and about eight times that of the South.

Other banking statistics for 1879 for these three sections of the country were as follows:

	Surplus.	Undivided profits.	Loans and discounts.	Individual deposits.
North.....	\$68,182,821	\$31,911,006	\$749,322,642	\$611,910,057
West.....	22,324,238	9,848,454	191,506,669	179,278,262
South.....	8,999,309	3,727,411	85,580,309	61,730,849

The North had about four times as much surplus as the West and ten times as much as the South. Of undivided profits the North had over three times as much as the West and over eight times as much as the South. Loans and discounts in the North were nearly seven times those in the West and nearly nine times those in the South. Individual deposits in the North were four times those in the West and over nine times those in the South.

Thus, when a statement of the condition of the national banks was called for on October 2, 1879, the banks in the North had loans and discounts out to the amount of \$749,322,642, while the capital stock, surplus, undivided profits, and individual deposits aggregated \$1,058,909,799. The Western banks had \$191,506,669 loans and discounts as resources and \$294,856,944 of capital stock, surplus, undivided profits, and individual deposits. In the South those aggregated liabilities were \$123,055,099, with loan and discount resources of \$85,280,309. The average deposits per bank in the North were about \$525,000, in the West \$272,000, and in the South \$294,000.

How do these figures compare with the statement of the national banks in 1889? On July 12, 1889, there were 3,230 banks in the country, with an aggregate capital stock of \$600,831,640, an increase of 1,182 banks and of nearly \$150,000,000 in capital stock. The increase in the number of banks since 1879 had been about 13 per cent. in the North, 81 per cent. in the West, and 113 per cent. in the South, while the increase in capital stock was nearly 4 per cent. in the North, 95 per cent. in the West, and 70 per cent. in the South.

Other figures for 1889 were as follows:

	Surplus.	Undivided profits.	Loans and discounts.	Individual deposits.
North.....	\$127,582,905	\$45,549,573	\$1,061,812,372	\$852,424,774
West.....	40,338,597	14,765,698	450,318,506	370,910,925
South.....	21,937,091	7,136,579	179,787,377	139,093,232

It will thus be seen that there was an increase of surplus of 45 per cent. in the North, 82 per cent. in the West, and 146 per cent. in the South; of undivided profits, an increase of 43 per cent. in the North, 58 per cent. in the West, and 92 per cent. in the South; of loans and discounts, 41 per cent. in the North, 136 per cent. in the West, and 110 per cent. in the South; and of individual deposits, 39 per cent. in the North, 107 per cent. in the West, and 116 per cent. in the South. In 1879 the percentage of surplus in the North to the capital stock was 27 per cent. and in 1889 38 per cent. In the West this percentage was about 24 per cent. in 1879 and the same in 1889, while in the South the percentage of surplus to capital stock was 17 per cent. in 1879 and 27 per cent. in 1889.

A GENERAL SUMMARY.

In all other branches of manufacture the South has made equally as great progress as in the few leading ones, the statistics of the growth of which have been given. From a comparatively small business the manufacture of cotton-seed oil has become one of the most flourishing in the South, representing a cash investment of fully \$30,000,000, though the nominal capital is greatly in excess of that. In 1880 the South had forty cotton-seed-oil mills, with a capital of \$1,504,500; there are now two hundred and thirteen mills, and over \$20,000,000 are invested in the business.

The lumber industry in all its branches, from the small saw-mill costing a few hundred dollars to the costly furniture factory, has grown probably more rapidly than any other line of manufacturing in the South. It is estimated by conservative authorities that upwards of \$100,000,000 have been invested in the purchase of Southern timber lands and the building of wood-working enterprises since 1880, but this is probably much too small a sum, for the sales of timber land to Northern and Western capitalists run well up into the millions of acres every year.

The mining of phosphate rock has more than doubled, and the manufacture of fertilizers has now become a leading industry throughout the South, especially in connection with cotton-seed-oil mills. Thus many millions of dollars which formerly went North for fertilizers are kept at home. Recent discoveries in Florida have shown that that State has the greatest phosphate beds known in the world. Within a few months several million dollars have been invested in the purchase of phosphate lands, and arrangements are being made to mine and ship the rock on a very extensive scale. It is believed by those who have carefully investigated the magnitude of these phosphate fields that they will prove of incalculable value not only to Florida, but to the whole South.

While many millions of dollars will be invested in working them, furnishing employment to a large number of men, the greatest benefits will result through the cheapening of fertilizers to all Southern farmers. This means larger crops produced at a lower cost, and a general improvement of the entire agricultural interests. As the development of the iron mines of the South has permanently lowered the cost of producing iron in this country, thus benefiting the whole country, it is probable that the discovery of these Florida phosphates will materially reduce the cost of fertilizers for the entire country.

Within the last few years the growth of the early fruit and trucking business has been one of the most noticeable features of Southern progress. Day after day during the season ocean steamers and full trains of cars, freighted with vegetables and fruit, leave the leading Southern ports for Northern cities. It is estimated that this business now aggregates at least \$50,000,000 a year, and it is rapidly expanding. With the increase in population and wealth of the country the demand for Southern fruits and vegetables steadily grows, and they are no longer classed as luxuries, as a few years ago, but are now regarded as necessities of life. This industry and the lumber business, which has assumed great magnitude in the Eastern Carolinas, in Florida, in South Georgia, and in Mississippi are making these sections almost as prosperous and full of life and activity as the mineral regions of the Piedmont and mountain sections of the South.

Everywhere and at all lines the South is at work. Its people are imbued with a spirit of energy and enterprise never surpassed; its vast resources are being opened up and their development is adding to the prosperity of every part of this section, and its manifold attractions and advantages are bringing a steady stream of wealth and of men of enterprise to this fair land. What the South has accomplished in the way of new industrial enterprises may be seen from the following summary of the number organized during four years from January 1, 1886, to December 31, 1889:

Iron-furnace companies.....	126
Machine-shops and foundries.....	441
Agricultural implement factories.....	63
Cotton-mills.....	535
Furniture-factories.....	267
Gas-works.....	236
Water-works.....	101
Carriage and wagon factories.....	331
Electric-light companies.....	178
Mining and quarrying enterprises.....	475
Lumber mills, including saw and planing mills, sash and door factories, stove factories, etc.....	1,801
Ice factories.....	3,036
Canning factories.....	293
Stove foundries.....	425
Brick-works.....	25
Miscellaneous iron and steel works, rolling-mills, pipe-works, etc.....	565
	184

Cotton compresses.....	114
Cotton-seed-oil mills.....	148
Miscellaneous enterprises not included in the foregoing.....	4,415

Total..... 13,744

It may be well to sum up only a few leading points in the South's growth during the last few years, and thus convey some general idea of what has been done in that brief period.

In four years nearly 14,000 new manufacturing and mining enterprises have been organized in the South, and thousands of old plants greatly enlarged. The list of new enterprises extends over almost the whole range of human industry, embracing pig-iron furnaces, foundries, machine-shops, steel-works, cotton and woolen mills, cotton-seed-oil mills, cotton compresses, fruit-canning factories, carriage and wagon factories, agricultural implement factories, flour-mills, grist-mills, saw-mills, planing-mills, sash, door, and blind factories, shuttle factories, handle and spoke factories, barrel factories, shingle-mills, furniture factories, tobacco factories, brick-yards, ice factories, fertilizer factories, stove foundries, wire-fence factories, lime-works, soap factories, tanneries, glass-works, gas-works, distilleries, potteries, electric-light works, marble and slate quarrying companies, and companies to mine coal, iron ore, gold, silver, mica, natural gas, oils, etc.

The number of national banks has increased from 220, with a capital of \$45,408,985 in 1879, to 472, with a capital of \$76,454,510, in 1889, a more rapid percentage of gain than is shown by the rest of the country.

The railroad mileage of the South has been increased by the addition of nearly 20,000 miles since 1880. Since that year over \$800,000,000 have been spent in the building of new roads and improving old ones. The assessed value of property has increased over \$1,300,000,000. This does not show the full increase in the value of property, since there is a very large amount of manufacturing property created since 1880 which does not appear in the tax assessments, being exempt by law from taxation. The increase in the true value of property was over \$3,000,000,000. In 1880 the South made 397,301 tons of pig-iron; in 1888, 1,132,858, and in 1889 the output was 1,566,702 tons.

In 1880, 6,048,571 tons of coal were mined in the South, and in 1889 the output was over 19,400,000 tons. Cotton-mills have increased from 161, with 14,323 looms and 67,854 spindles, in 1880, to 356 mills, with 45,001 looms and 2,035,268 spindles, while many new mills are under construction and many old ones being enlarged. In 1880 there were 40 cotton-seed-oil mills in the South, having a capital of \$3,500,000; now there are 213, with over \$20,000,000 invested.

The value of the South's agricultural products for 1889 was about \$850,000,000 against \$571,000,000 in 1879. The value of the South's live-stock on January 1, 1889, was \$569,000,000, while in 1880 it was \$391,400,000. The production of grain rose from 431,074,630 bushels in 1880 to 652,291,000 bushels in 1889, an increase of over 220,000,000 bushels.

In every line of industry the same tremendous strides of progress are being made.

Presenting these comparisons in tabular form we have the following:

	1880.	1889.
Assessed value of property.....	\$2,913,436,095	\$4,230,166,400
Railroad mileage.....	20,612	40,521
Cost of railroads.....	\$679,000,000	\$1,500,000,000
Yield of grain, bushels.....	431,074,630	652,291,000
Yield of cotton, bales.....	5,755,359	7,250,000
Number of farm animals.....	29,754,243	45,592,536
Value of live-stock.....	\$391,412,254	\$569,161,550
Value of chief agricultural products.....	\$571,098,454	\$850,000,000
Coal mined, tons.....	6,049,471	19,497,418
Pig-iron produced, tons.....	397,301	1,566,702
Phosphate rock mined.....	190,000	507,708
Number of cotton-mills.....	161	355
Number of spindles.....	667,854	2,035,268
Number of looms.....	14,323	45,001
Number of cotton-seed-oil mills.....	40	213
Capital invested in cotton-seed-oil mills.....	\$3,500,000	\$20,000,000
Number of national banks.....	220	472
Capital of national banks (estimated).....	\$45,597,730	\$76,454,510

Mr. MCKINLEY. Mr. Speaker, I now yield to the gentleman from California [Mr. VANDEVER].

Mr. VANDEVER. Mr. Speaker, until the repeal of the system of internal-revenue taxation and the total abolition of the Internal-Revenue Bureau we can have no permanent and reliable tariff policy. Until then any revision of the tariff will be but transient and delusive, i. e., mere makeshift.

To be independent of other countries for the necessities and comforts of life we must produce and fabricate them ourselves.

Upon this theory the House bill was framed. It comes back to us from the Senate marred in many of its features.

The question is, shall the compromise features proposed by the conference committee of the two Houses be adopted?

The few observations that I propose to submit at this time relate mainly to the products of the district I represent.

The fruit schedule of the House bill dealt fairly with the fruits of California. The Senate reduced the House rates upon one of the leading products of my district fully 50 per cent., in the culture of which a large portion of the people I represent are interested. It has been demonstrated that to place Florida and California in American markets on an equality with the Italian producer, the tariff on standard boxes should be \$1 per box at least.

The House bill fixed the duty at that rate, but the bill comes back to us from the conference committee reducing the duty on oranges to 25 cents per box. This is a blow at the interests of the California producers, the effect of which will be to protect the Italian fruit-growers against the American grower. California can produce oranges and similar fruits in sufficient quantities to supply the entire home market.

The competitors of California and Florida fruit-growers are in foreign countries, mostly in sunny Italy, where land and labor are cheap. It costs to transport a standard box of oranges from Mediterranean

ports to New York City 25 cents. The duty is 25 cents, making the cost of laying down this fruit at Atlantic seaports only 50 cents.

It costs 57 cents per box, by car-load lots, to transport oranges from Florida to New York. It costs to transport oranges from California to New York City \$1.25 per box in car-load lots, and 90 cents per box to Chicago.

Other products of California have been overlooked in framing this bill. Olive-oil should have been protected by the imposition of at least \$1 per gallon. Ostrich farming is a struggling industry of Southern California which deserves encouragement and support. Not less than four hundred birds, three-fourths of which are of American growth, are being nurtured in different localities in Southern California. This enterprise, if reasonably protected, will soon grow into proportions sufficient to supply the demands of not only our own but other markets.

Asphaltum and bituminous rock are other products of Southern California that should have had places in this bill, but are left out. The dawning beet-sugar production of California will, in a few years, grow into proportions that will supersede the necessity of any importations of sugar from foreign countries.

California is, in fact, the land of hope and promise to the toil-worn millions, not of the older portions of this country alone, but to the people of all lands. It has been called the Italy of America. It is much more. Since the admission of the State into the Union it has increased in wealth, enterprise, and prosperity in an unparalleled degree.

It has contributed to the national prosperity, the general comfort and happiness of all the people as no other State ever did in the short period of little more than a single generation; and though California may not fare as bountifully as she would like under this bill, yet she will accept it in the firm belief and conviction that a measure of general prosperity awaits the country under it that will verify the wisdom of the general policy of protection to American industry and enterprise upon which it is founded, and demonstrate more fully than ever before that to be truly independent of foreign countries we must produce and fabricate for ourselves every article of necessity and comfort.

ORANGES AND LEMONS.

It costs 57 cents per box, by car-load lots, to transport oranges from Florida to New York City or to Boston.

The average yield of an acre of orange trees in good bearing is two-hundred boxes.

The transportation of a box of oranges from Italy to New York City or to Boston is 25 cents; duty, 25 cents; total freight and tariff, 50 cents. It costs 7 cents per box more to land oranges in New York or Boston from Florida than it costs to bring them from Italy.

Upon the basis of two hundred boxes to the acre, then, Italy has the advantage of Florida in supplying New York or Boston with oranges of \$14 per acre.

Common labor in the State of Florida is worth \$1 per day, and in Italy 20 cents per day.

One man's labor is required to cultivate 10 acres of oranges; three hundred days' labor, which is about an average year's work, \$300 in Florida; \$60 in Italy.

The Italian producer, then, has the advantage of the Florida producer in supplying the American market of \$14 per acre in transportation and duty and of \$24 per acre on labor, a total of \$38 per acre on oranges.

The transportation of a box of oranges from California to New York or Boston is \$1.25 per box, by car-load lots; to Chicago 90 cents. Labor in California is \$2 per day. Therefore the Italian orange-grower has the advantage over the California orange-grower in New York of about \$76 per acre, and in the Chicago market of about \$58 per acre.

To place Florida and California in our American markets on an equality with Italy the import duty on oranges and lemons should be at least \$1 per box.

The limited time allotted will not permit me to extend my remarks further.

Mr. MCKINLEY. I yield to the gentleman from Illinois [Mr. POST] such time as he may desire.

Mr. POST. Mr. Speaker, the chairman of the Committee on Foreign Affairs has stated that foreign Governments discriminate against the products of the United States by name. They do this with our hog products, and they did it upon the authority of one of the most celebrated medical professors in Europe. It was his opinion which aroused the prejudices of the European people and induced European Governments to take that extraordinary action which has been an embarrassment to American producers and an injury to European consumers.

I take this occasion to put on record a dispatch which shows that when that distinguished medical man expressed the opinion that the American hog ought to be discriminated against as an unhealthy food product, he had never seen an American hog or examined an American ham. [Loud applause.]

This dispatch was written in 1878 to the Department of State, and from it I quote the following extracts:

UNITED STATES CONSULATE-GENERAL, Vienna, June 24, 1878.

SIR: I have the honor to state that a letter from Professor Richard Heschl, pro-

essor of anatomy at the Vienna University, was published in the Wiener Medicinische Wochenschrift, dated June 8, of which the following is a translation:

"We have received the following letter which we recommend to the attention of the city physician:

"To the Editor:

"Allow me to say a few words concerning a matter of sanitary interest which may not be underserving a space in your paper. It is in regard to the American hams which are offered for sale in Vienna, and which are recommended by the salesmen to be superior to the Westphalian hams. While of the latter out of two thousand to two thousand five hundred, one contains trichina and is rejected, the American hams examined in Germany show that of every five to ten one has trichina, and the probability exists that several epidemics owe their origin to this fact. The city physician should not permit the sale of American hams that have not passed examination, and the public should be warned, and if you need my name, it is at your disposition.

"Very respectfully yours, "PROFESSOR RICHARD HESCHL."

In several of the Vienna morning papers of June 22 the following notice appeared:

"ABOUT THE SUPPLY OF PROVISIONS.

"The conviction having gained ground that the hams and the sausages imported from America via Hamburg contain for the greater part trichina, the proper section of the city council has concluded in its session of to-day to forward a petition to the Government asking the same to issue a decree prohibiting the further import of such goods from America into Austria."

Soon after Professor Heschl's letter appeared I requested him to specify the German reports upon which his statement was founded. In complying with this request he mentioned two German works, both published in 1874, and which do not appear to have any kind of reference to the kind of hams recently imported into Austria-Hungary. The works mentioned are: Vierteljahrsschrift für öffentliche Gesundheitspflege, von Varrentrapp, 6. Band, 2. Heft, 1874. Roepfer, Trichinen der Amerikanischen Schinken, published by Vieweg, Braunschweig. Eulenberg, Vierteljahrsschrift für gerichtliche Medizin, XX, Seite 103, 1874. Zur Trichinenfrage, von Dr. Jacobi, published by Hirschwald, Berlin.

Professor Heschl declared that he had no personal knowledge of the subject to which he called public attention; that he had never seen an American ham, and that he relied upon the examination made in Germany. He was thereupon invited to examine some American hams, and after a careful examination he said there were certainly no trichina in them and that they were sound and good.

If Professor Heschl had made his examination before he wrote his letter he might have written more definitely and satisfactorily, and would have authorized his name to be used to indorse the truth as ascertained by investigation, but it is unlikely any such report would have been given such widespread publicity as has been given to the letter he wrote. The substance of the letter was telegraphed to the London Times and has been quoted in the European press generally in such a manner that readers would not suspect that its author wrote it before he had seen an American ham.

It is not the facts stated, nor the suggestion which Professor Heschl made, which gives the letter importance. The importers of American hams would be quite willing to have the Government adopt his suggestion, not only as applicable to American, but also to German and all other hams offered for sale. They are confident such examination would prove the superiority of those imported from America. But this course would not satisfy those interested in preventing competition in the food supply, and therefore his suggestion is rejected while his name is used to create prejudice against American products.

It is not proposed to petition the Government to cause examinations of all hams offered for sale, but to prohibit the importation of American hams because the "conviction is gaining ground" that they are not good. This conviction is not gaining ground among those who have used them, for they unite in warmly recommending them and therefore the demand for them is constantly increasing. The conviction may be gaining ground among those who have never used them and who will believe a learned theory from men equally ignorant rather than the testimony of those who know by actual experience. Ignorant theory disguised in learned phrase so often represses and defeats practical experience that it can not be predicted how the Government will decide this question, but it is to be hoped that the competent medical authorities of Austria-Hungary will make independent investigation for themselves uninfluenced by the German reports.

I have also received from Professor Heschl a paper, herewith inclosed, which was printed at the Imperial printing-office, and purports to be instructions issued for the information of the sanitary council at the request of the Government of Lower Austria. There are two paragraphs only concerning America to which I direct attention, translated as follows:

"Equal caution must be observed in regard to the disposition made of the refuse of slaughtered animals, since the frequency of trichina in America is principally due to the fact that hogs there are fed with the refuse of the great slaughtering houses, whereby, so to speak, trichina are propagated."

"Particularly must be noted the fact that bacon and hams have recently been imported from America which contain more trichina than ours. In Germany one hog in ten thousand has trichina, while of the hams and bacon brought from America from 2½ to 5 per cent. contain trichina."

In calling the attention of the Department to these several statements I beg to suggest that some proper means should be taken to contradict erroneous reports concerning our products, in order that responsible men may not indorse and give currency to them as unchallenged scientific facts. The attempt to create a prejudice against exports from America by misrepresentation, and to cut off that source of food supply from consumers in Europe, is an injury to the poor, a crime against humanity; but there are those who are ready to use any prejudice or report, however unfounded, to prevent such competition in the markets of Europe, and it is not only necessary to avoid furnishing material for evil reports, but to see that false reports are promptly and authoritatively contradicted.

I am, etc.,

PHILIP SIDNEY POST,
United States Consul-General.

Hon. F. W. SEWARD,
Assistant Secretary of State, Washington, D. C.

This was the first dispatch ever sent to the United States on this subject, and shows conclusively that the action of the European Governments was based upon the opinion of a distinguished medical professor indeed, but it also shows that this distinguished medical man had not investigated the subject.

It was also indicated that this attack must be met in the proper way, and that it was useless to attempt to settle the question by diplomatic negotiations without satisfying the Governments on the point at issue. Every continental Government exercises legitimate police control over the food products to be consumed by its citizens, and the diplomatic ne-

gotiations which have gone on for ten years were destined to failure because Congress did not provide for the inspection of our meat exports.

This has been remedied at this session of Congress, and there can be no reason why the question can not now be settled. If foreign Governments continue the discrimination against the United States they will be compelled to search for another reason than the one alleged during the last decade.

It has been alleged that the decrease in the export of American hogs and hog products has been due to our tariff.

The official records show the exports of meat products from 1879 to 1888 to have been as follows:

Years.	Bacon.	Pork.	Lard.	Total hog production.	Beef.
1879.....	\$51,074,433	\$4,807,568	\$22,856,673	\$78,738,674	\$14,154,398
1880.....	50,947,623	5,990,252	27,930,367	84,868,242	18,012,197
1881.....	61,161,205	8,272,285	35,226,575	104,660,065	19,826,673
1882.....	46,675,774	7,391,370	28,975,902	82,852,946	14,667,235
1883.....	38,155,962	6,192,268	26,618,045	70,966,268	15,333,162
1884.....	39,684,845	4,762,715	25,305,953	69,753,513	23,224,506
1885.....	37,083,948	5,203,943	22,595,219	64,883,110	22,421,788
1886.....	31,640,211	5,123,411	20,361,786	57,125,408	18,505,365
1887.....	33,314,670	6,611,327	22,703,921	61,629,918	15,517,862
1888.....	32,175,633	4,373,114	22,751,105	59,299,852	18,440,694

It will be observed that there was a large decrease in the exports of hog products after 1881, but the beef exports have increased, and, with the exception of the year 1887, have been greater during the last ten years than ever before. If it were the tariff it would have affected our exports from 1861 to 1881 just as much as it did from 1881 to the present time, and it would have affected the exports of beef as well as of hog products. The dispatch above quoted shows the true reason why the export of the American hog fell off, and that it was not due to the tariff.

It is to be hoped that the wise measure taken by this Congress for the inspection of meat exports will furnish the proper remedy and benefit the farmers of the country.

Mr. McKINLEY. I now yield for a few minutes to the gentleman from Illinois [Mr. PAYSON].

Mr. PAYSON. Mr. Speaker, the work of the session as to the tariff, the most important economic legislation of the country, long, tedious, and laborious, is brought before us for final approval or rejection in this conference report as a whole.

All its voluminous details, embracing over four thousand items, many of them of special interest to localities in different parts of the Union, have been carefully examined in their relation to the interest of the people of the Union as a whole, and the result is in the report on your desk, upon which we are soon to vote. I intend to vote for it.

It is not, as you know, sir, in all its details such a bill as I have favored. It is not, so far as my information goes, precisely what I would have submitted had I prepared it; but I do not assume that in the general result, as a whole, my bill would have been any better.

All legislation involving many details, and they largely directly of local interest, necessarily requires some compromises, tariff legislation especially.

No doubt, sir, some of the schedules here will not be perfectly satisfactory to all, but the day of contest and discussion over details and percentages as to this bill is past.

I have done the best I could for what I believed to be the right on the different schedules, and am glad to say that in many important matters I and those who agreed with me have been largely successful.

The lumber schedule, so far as the people of my own section of the Union are directly interested as consumers, has been reduced one-half below existing law.

I have for many years contended here for free sugar up to No. 16 Dutch standard.

I have believed, and still believe, that the duty on sugar is practically a revenue duty and a tax paid by the consumer, as we produce so small a percentage of the sugar we consume, and as I have believed that 4 mills per pound was ample protection to the refiners on grades above No. 16, the House bill met my entire approval.

I have had occasion to refer very recently to the action of the Republican members of the Illinois delegation here on that subject. We were the first to act unitedly and definitely on that line, and we succeeded, and our proposal, with the slight addition of 1 mill on grades above 16, was adopted.

I have, as you all know, contended for binding-twine on the free-list, in season, and perhaps out of season at times. Very many gentlemen here think I am wrong, and of course I may be; but I was for it for reasons I have given on the floor here and to the committee.

The present duty is 2½ cents; the House bill proposed 1½ cents; the Mills bill, of last Congress, 1½ cents; this report makes the rate 7 mills per pound, less than one-half the rate proposed by the Mills bill, and only a little over one-fourth the present duty, and as I can not get and confess that I ought not to expect to get every detail as I desire it, I shall be satisfied with this.

I have contended that works of art—paintings and statuary—when imported for individual use or sale, as luxuries, should remain on the dutiable-list, and they are so retained, and so I support this bill.

It is based on the idea of protection to American industry. The hope of its friends is that it will save the American market to the American producer, be he farmer or mechanic or miner.

It is based on the broad principle which has been approved by our people during practically the whole of this generation, and a principle—protection—which has prevailed in this country during every period of prosperity our country has enjoyed.

It is a bill, sir, matured only by Republican votes, and upon which, as a whole, Republicans can safely stand.

It has doubtless, in some of its details, errors in percentages, but that is a necessary incident to all tariff legislation, and they can be corrected by amendment hereafter as experience shall show the necessity. But, sir, after carefully examining this bill, I am clear that it is not only an excellent bill as a whole, but vastly superior to any tariff bill which has ever been presented to Congress for adoption, and I therefore give it my support.

Mr. MCKINLEY. I yield now to the gentleman from Michigan [Mr. CUTCHEON].

Mr. CUTCHEON. Mr. Speaker, I have not thus far taken any of the time of the House in the tariff debate during this session of Congress. This is the first time that I have opened my lips on the subject in this Congress. I had thought to condense my speech into a single monosyllable when the roll was called on the final passage of the bill—the word “ay.”

Any tariff bill that can be framed by human ingenuity must of necessity be a compromise between the various conflicting interests in a country such as this; and this bill is, in the nature of things, such a compromise.

A bill to regulate the duties on imports into a country touches every human interest. It lays its hands on every industry and affects, to a greater or less extent, the labor and the capital of every human being within the scope of its operations. I believe that the committee in this case have framed as wise and judicious a protective-tariff bill as could possibly have been framed in the months of consideration they have given to it.

If they have not done so it has not been from want of careful investigation, patient study, and patriotic purpose. They have sought to secure and guaranty better wages to the working men and women, a larger demand and better prices for the products of the farmer, the control of American markets for American producers, a fair field for the American manufacturer, and a well-balanced system of production and consumption that shall bring the producer and the consumer into closer relations and save unnecessary waste in seeking a foreign and remote market.

I think I might say, as the gentleman from Kansas [Mr. PETERS] said a few moments since, that this is the best American bill that has ever been brought before an American Congress for its adoption. I wish particularly, Mr. Speaker, to express my gratification with the provisions incorporated in the bill for the better protection of our American farmers and the American laboring people generally.

I wish, however, to put on record my regret at the departure the bill makes from the recognized protective-tariff principle in regard to sugar. I recognize the demand that exists for free sugar. I recognize the fact that every family in the land consumes it; that every poor man must have it and that he wants it as cheaply as possible, and also that the duty imposed upon it is a revenue duty, because as yet we have not succeeded in building up a sugar industry in this country that is even approximately commensurate with our own requirements.

We have been necessarily forced to purchase so largely from abroad that the home production has exerted but little influence on the price. The present policy is a departure from our recognized policy, and is in the nature of an experiment. I have grave fears of the results of the bounty system, and would have preferred greatly to have adhered to the old protective tariff which has worked so well as a system for developing our industries.

But there is another provision to which I desire to address myself for a moment, and that is one in which my constituents are deeply interested—that in regard to the rebate on salt for export. This report of the conference committee, or rather the joint action of the House and Senate, retains the present provision of law which has been in force since 1863 in regard to the rebate of duty on salt for packing purposes, when exported.

I represent one of the five great salt-producing districts of the United States. The city in which I live produces more than a million barrels of salt a year, and this rebate takes away from Michigan at least four hundred thousand barrels of salt that our State has ample capacity for producing, and would produce if foreign salt were not admitted free. This provision gives no additional labor to American workmen or salt-producers and no additional price to American farmers, but it gives it to the foreigner. Against this provision I protest. I believe it to be a serious mistake; a violation of the protective policy. But there is so much that is desirable in the bill notwithstanding this fact—and for this defect in the bill to which I call attention we are

largely indebted to our Democratic friends in the Senate—there is so much good in it, that I shall vote for the bill as an entirety.

Our Democratic friends in the last Congress voted solidly to put all salt on the free-list, and in the present Congress every Democratic Senator voted to place it on the free-list and every Republican Senator voted against putting it on the free-list. I regret that even this little specimen of free-trade has crept into this bill. I would put nothing on the free-list that we have ample material, labor, and capital to produce at home. But to vote against this bill would be to retain the present law, which has the same unjust provision. There is much to gain and nothing to lose by the passage of this bill, and it will have my cordial support and vote.

Mr. FLOWER. Will the gentlemen from Ohio yield to me for a moment?

Mr. MCKINLEY. I want to yield first to the gentleman from Massachusetts [Mr. CANDLER].

Mr. CANDLER, of Massachusetts. Mr. Speaker, this bill in some particulars is not in accord with my wishes as one of the Representatives of Massachusetts, or in accord with my judgment as to what would be wisest in respect to its provisions. But I believe that the desire has been that every interest should have a fair hearing, and that under existing circumstances and conditions it was not possible to have a tariff bill without making the concessions to different sections we have been obliged to make—some that are not for the interest of New England and will not prove advantageous to other parts of the country. But this long struggle in which we have so earnestly contended satisfies me that the suggestion made by the distinguished chairman of the Ways and Means Committee [Mr. MCKINLEY] in his opening address gives promise for the future.

I hope that the United States of America has settled the principle of protection. I believe it was a necessity, under the assertions and the avowed principles of President Cleveland and the Democratic party, that the people should rouse themselves and declare in a national election their deliberate judgment that American labor and American industry should be protected in the United States. I believe that the suggestion of the distinguished chairman of the Ways and Means Committee, that we should in some other session or future Congress make a correction of the schedule embracing binding-twine, is a suggestion which we shall follow out in other directions.

I hope that this is the last bill that will come before the Congress of the United States with over three thousand items, and that, recognizing the principles of protection, we shall take up these schedules and when, after a fair and intelligent debate, this House and the Senate decides that an article or a schedule shall be reduced or shall be raised, the action will be taken here without disturbing all the wide interests of commerce and manufactures in the United States.

I have not the time and it is not necessary; it will serve no purpose now to repeat the changes in detail that we contended for and believed should have been agreed to and adopted. The battle has been fought so far as this session and this revision is concerned, and I believe the final result will prove to be, as a whole, good legislation for the advantage of the country, increasing its prosperity and developing its resources.

But, Mr. Speaker, in the brief time allowed me, I wish to elaborate a little discussion I had with the gentleman from Georgia [Mr. TURNER]. He made some statements here in regard to the article of sulphuric acid which our manufacturers are interested in, statements for which I challenge him to find the indorsement of a single manufacturer of phosphates or sulphuric acid. I wish to explain—

Mr. TURNER, of Georgia. What remark which I made does the gentleman “challenge?”

Mr. CANDLER, of Massachusetts. You made the remark that a quarter of a cent a pound on sulphuric acid was a quarter of a cent a pound upon the phosphate products which your agriculturists have to purchase.

Mr. TURNER, of Georgia. No, sir. The gentleman did not catch my statement correctly. Let me repeat it. I said that it takes 1,000 pounds of sulphuric acid added to 1,200 pounds of phosphate rock to make a ton of fertilizer, and that a quarter of a cent a pound makes \$2.50 a ton. Now, before the gentleman denies my statement (because I want to be fair to him) I hope he will pause and think.

Mr. CANDLER, of Massachusetts. I should not deny it, because that is the statement that I now challenge you to prove by any manufacturer conversant with the facts. It is a matter of proof.

Mr. TURNER, of Georgia. I will prove it to the gentleman—

Mr. CANDLER, of Massachusetts. Must this time come out of my time?

Mr. TURNER, of Georgia. Will not the gentleman from Massachusetts allow me to prove the statement which he challenges?

Mr. CANDLER, of Massachusetts. I yield for a moment.

Mr. TURNER, of Georgia. I will prove it by the statement made to me by the chemist of the Agricultural Department when this matter was up before; and it was repeated yesterday in a telegram to a friend of mine.

Mr. CANDLER, of Massachusetts. Mr. Speaker, I deny the correctness of the evidence; and I want two minutes more (if the gentleman from

Ohio will allow me) to go on with my statement. The gentleman from Georgia makes the statement that a quarter of a cent a pound under this tariff bill, with the other regulations which I will not read, affects the production of phosphates or agricultural manures \$2.50 a ton.

Mr. McKINLEY. I yield the gentleman a minute and a half more. Mr. TURNER, of Georgia. The gentleman from Massachusetts [Mr. CANDLER] does not intend to misrepresent me—

Mr. CANDLER, of Massachusetts. Let me make my statement. Mr. TURNER, of Georgia. The gentleman must not misrepresent me.

Mr. CANDLER, of Massachusetts. Now, this clause in this tariff bill which makes free all acids used for agricultural purposes gives to the manufacturer of phosphate the free material without any taxation, if he can bring it from Canada to the South, which I do not think he can do profitably; the transportation would cost too much. I believe they can manufacture it cheaper in the South, where the phosphate is found. The reason that we ask one-quarter of a cent a pound for the manufactured acids is that the process of manufacturing the acid upon which we put this quarter of a cent a pound is by boiling it in platinum vessels or glass retorts, an article used in the arts or by manufacturers, and the expense in labor is 70 per cent. of the cost of the article when made from pyrites. We have had it all free in Massachusetts and New England, and we could and did supply Canada and Nova Scotia.

An adroit man, to whom the gentleman referred, went to Canada and said to the colonial government, "If you will give me one-half a cent a pound as a discriminating duty against the American acids in Canada, we can have this market to ourselves; we will sell the article manufactured from this new product of Canada to your people, and we will ship the surplus to New England." And the Canadian government enacted a law, levying a duty of one-half cent per pound on the American production. Now, there being 70 per cent. of labor in this article, we in New England can not compete against this party who has shut his market from us with his cheap coal and labor. We bring our coal from Pennsylvania and our food from the West, and the one-quarter of a cent duty is to protect our workmen and manufacturers from being driven out of our own, and when our works are closed being dependent on foreigners who will regulate prices as they please.

Mr. COVERT. Will the gentleman yield for a question?

The SPEAKER *pro tempore*. The time of the gentleman from Massachusetts [Mr. CANDLER] has expired.

Mr. TURNER, of Georgia. The gentleman misrepresented me, and then used all his time without allowing me to correct him.

Mr. COVERT. Does the gentleman from Massachusetts [Mr. CANDLER] deny the fact that acid at the strength specified in the Senate amendment is not only too weak for use in fertilizers, but is also too weak to be transported in tank cars?

Mr. CANDLER, of Massachusetts. I do.

Mr. COVERT. I have in my possession letters from leading manufacturers of fertilizers in this country showing that the proposition I have stated is correct. [Cries of "Order!"]

The SPEAKER *pro tempore*. The gentleman from New York [Mr. COVERT] has not the floor.

Mr. McKINLEY. I yield five minutes to the gentleman from Iowa [Mr. GEAR].

Mr. GEAR. Mr. Speaker, It has been said and always will be said in the framing of legislation of this character that it can not be perfect in itself. But, sir, this bill has been framed under peculiar conditions, such as never pertained before to the framing of a tariff bill by the American Congress. For five and a half months the Committee on Ways and Means sat with open doors day and night, each and every moment of time occupied in hearing not only the men who manufacture, not only the men who employ labor, but the men who eat their bread in the sweat of their faces—the farmer and mechanic.

It was the honest intention of the committee, interpreting their duty in the light of the election of 1888, to frame this bill in so far as they could so as to give protection to every industry of the American people, wherever it might be found and of whatsoever character it might be. We have endeavored, Mr. Speaker, honestly to do our duty, and you have the result in the report of the committee of conference before us for our immediate action. Sir, one result of this bill is worth the ten long weary months we have labored for it, and that is to relieve the American people for the first time in a century from a burden of taxation on an article of prime necessity that has amounted to fifteen hundred millions of money. For the first time in a generation, Mr. Speaker, the American people will be able to put on their tables that kind of sugar which has been denied them. And, sir, when they see, in their stores throughout the country, that they are able to buy 20 or 25 pounds of good fair sugar, such as I hold in my hand, for \$1, then and in that event the people will begin to realize the good work in this regard that has been done in the first session of the Fifty-first Congress.

Much has been said by my friends on the other side on this sugar question. I have a table here which I will publish in my remarks, showing from what countries every pound of sugar used by the American people comes. In looking it over I find that we bring from Brazil the large amount of 1.64 per cent.; that we bring from Germany 15.60 per cent.; that we bring from Cuba 38.61 per cent., and from the Sandwich Islands 11 per cent.; that of all the sugar coming into this country from the countries south of us, including Mexico, we imported in the last year only 77,000,000 pounds or 1.76 per cent. of our consumption, and that in addition from British, French, and Dutch Guiana we imported enough to make the amount 6.14 per cent. of our importations.

Statement showing the imports into the United States of sugar and molasses during the year ending June 30, 1890.

Countries from which imported.	Sugar, Dutch standard in color.												Per cent. of total value.			
	Molasses.	Not above No. 13, and tank-bottoms, sirups, melada, etc.				Above No. 13 and not above No. 20.		All above No. 20.	Total.		Total values.					
		Beet sugar.	Cane and other.	Pounds.	Pounds.	Pounds.	Pounds.		Pounds.	Value.						
												Gallons.		Pounds.	Pounds.	Pounds.
Austria-Hungary																
Belgium																
Brazil																
Central American States																
China																
France	34	844,956	21,019	729,092	23,935	8,467	\$496	1,094	878							
French West Indies				4,074,480	124,248											
Danish West Indies	78,244	11,371		13,642,707	474,898	112,281	4,020									
Germany		512,000,173	16,031,431	2,411,590	65,794			20,181	990							
Great Britain and Ireland	268	78	5,958,944	167,104	23,609,554	764,435		1,269	59							
British North American Possessions																
British West Indies	96,631	25,913		2,273,516	104,162	6,415	148	613	45							
British Guiana	2,119,049	320,430		291,306,725	8,589,677	512	23									
British Honduras	14,713	1,659		135,971,019	4,323,702			220	9							
Hong-Kong				391,144	11,456											
British Africa	14	1		29,367	681	13,025	373									
Hawaiian Islands				16,012,445	381,898											
Mexico	81,443	13,314		224,457,011	11,549,828											
Netherlands				747,012	27,015	2,767	107	11	1							
Dutch Guiana																
Dutch East Indies	66,303	6,835		3,422,571	103,694											
San Domingo				111,929,287	2,722,320											
Cuba				47,033,940	1,715,364											
Porto Rico	34,918,292	3,679,076		1,041,072,629	35,420,441	2,260	129	432	24							
Philippine Islands	4,103,368	1,110,473		76,926,934	2,750,774											
Turkey in Europe	15,418	8,469		259,775,540	6,814,397											
Venezuela	2	1														
Total	31,497,243	5,168,958,011	18,348,417	2,332,675,169	77,737,554	145,727	5,296	71,188	3,265,293,011	96,094,532	101,263,327					

¹ Entered free of duty under reciprocity treaty.

All other countries, each less than .01 per cent.

TREASURY DEPARTMENT, BUREAU OF STATISTICS, August 7, 1890.

S. G. BROCK, Chief of Bureau.

A WORD IN REGARD TO THE SUGAR TRUST.

In 1876 there were in operation in the United States forty-two sugar refineries. In 1879 there were but twenty-one in operation. One gentleman who was examined in 1879 before the Ways and Means Committee, a gentleman who is at the head of the most powerful house in the country, and who declared that the refining business was growing in importance and increasing its capital, was asked to explain this singular mortality among the sugar refineries in the last three years. His reply was that "The big fish will swallow the little ones."

I quote, Mr. Speaker, from the very able speech of Mr. Robbins, of North Carolina, on the sugar question, which he delivered in the Forty-fifth Congress. Sir, as it was in the year prior to 1876, so it has been since then. The forty-two sugar refineries in existence in 1878 dwindled to twenty-one in 1879, and again, in 1890, they had diminished to sixteen. Truly have the "big fish" swallowed up the "little ones," and if the existing law is to be maintained on our statute-books the sixteen will be absorbed, until all the refining business of the United States, which to-day amounts to over \$240,000,000, will probably be absorbed by a single firm, which would exact such profits from the American people as its avarice would dictate or which the people would submit to.

The aim of the refining interest has been to keep the line down to No. 13, so that the people would be absolutely dependent on the refiners for their supply of sugar. But this great wrong has been corrected in the bill before us.

The House bill gave the refiners 40 cents per 100 pounds protection, and the Senate bill gave them 60 cents per 100 pounds. In the spirit of compromise which brings legislative differences to harmonious results, the conference committee has reported 50 cents per 100 pounds as the proper measure of protection to the refining industry.

Sir, I for one accept this compromise, believing it to be for the interest of all the people. The great benefit to the people in the sugar schedule is the fact that it relieves them from the onerous exactions of the "trust" by virtue of the fact, that if the refiner shall advance sugar to abnormal rates the people can and will import good raw sugar up to and including No. 16.

I want to say, Mr. Speaker and gentlemen, not only for myself, but for all the people, that when the legislation of this Congress is laid before them they will with one acclaim say to the majority on this side of the aisle, "Well done, good and faithful servants."

In conclusion I want to recapitulate a portion of the legislation of this Congress, legislation which has been enacted by the Republican majority on this side of the Chamber. I believe in my judgment that we have fully and honestly met the promises made by the Republican convention in Chicago in 1888.

In a few minutes more we will adopt this tariff bill, which gives protection to American labor. We have by the silver bill utilized the bullion which is the product of our mines, and which is the product of American labor just as much as the wheat or corn that is raised in this country. We have by the proper enactment into law put the seal of our condemnation on "trusts" and "combines" of every kind. We have enacted the lard bill, which will add millions of dollars to the hog product, not only of the West, but of the whole country. We have passed the "meat inspection bill," which will help the American farmer in a large degree. We have passed laws for the benefit of the labor of the country, and in addition we have passed a pension law which will relieve every honorably discharged soldier from want and which will carry comfort to the homes and hearths of untold thousands of soldiers' widows and orphans.

In summing up the work of the majority I believe the legislation enacted will be of great benefit to the American people. Sir, as the dew of heaven falls upon the grass, gently and generously refreshing it, so will the legislation of the Republican majority of the Fifty-first Congress fall on the languishing agricultural and industrial interests of this country, gently and generously refreshing them. And, sir, so instantaneous will be the results thereof and so great will be their magnitude that we will hardly be able to appreciate them. [Applause.]

MR. MORSE. Mr. Speaker, I have on my desk seven telegrams from the cordage manufacturers of Massachusetts, asking me to vote against this bill on account of the great injustice which it does them. These manufacturers have millions invested in the business; they give employment to thousands of workmen and support thousands of families, who consume the food products of the West and the products of other manufacturers.

The platform of the Republican party at Chicago promised "protection to American industry." The duty of seven-tenths of 1 cent per pound on binder-twine I denounce as a violation of that solemn promise. The cordage manufacturers of Hong-Kong have American machinery and employ laborers at 15 cents a day.

Whether or no seventh-tenths of 1 cent leaves these great concerns in this country a fighting chance for themselves and those dependent upon them is an open question, but I here and now exonerate the Republican Representatives on this floor and the Republican members of the conference committee from any blame in this matter.

This thing was forced upon us by Democrats at the other end and the Republicans from the new States which have one Representative on this floor and two Senators. If Massachusetts were represented in the

same proportion in the other end of this building, we should have twenty-four Senators and New York would have sixty-eight to vote for protection to cordage. To my mind this wrong to the cordage industry of this country is the one blot on the McKinley tariff bill.

But we must pass a bill. The business interests of the country demand it. The uncertainty hanging over tariff legislation must come to an end, and I shall vote for the bill and trust to a future Congress to right this great wrong to my constituents. It is the result of a senseless cry against a "trust" which never had an existence, and born of a desire to punish somebody for the high price of binder-twine last year, which, as I showed in my former speech, was entirely due to other causes, namely, the unprecedented demand for binder-twine and a short supply of the materials from which it was made in consequence.

If this legislation shall result in the closing of our cordage factories the stupendous folly of it will then dawn upon the men who have promoted it, by eventually creating a higher price and destroying a great home market just opening for hemp, flax, and sisal-grass.

Aside from this one blot the McKinley tariff bill is a wise and beneficial measure and will surely bring great prosperity to the country, because it means American markets for American manufacturers and American wages for American workmen.

MR. O'DONNELL. Mr. Speaker, in December, 1885, when I first became a member of this body, I offered a bill placing sugar on the free-list and providing for a bounty to encourage its cultivation in this country. For a hundred years we had levied sugar duties, and during that century our people had paid \$1,400,000,000 in duties, without increasing the product in this country. I urged this bill during the sessions of the Forty-ninth and Fiftieth Congresses. I was gratified to see this body at this session practically adopt the bill I had offered, and with regret observed the Senate increase the duties. I would be glad to see every cent of tariff removed from sugar, and hope to see this Congress place this article of food on the free-list. Such step will be a wise act of statesmanship.

Sugar was a luxury until the eighteenth century. In the year 1319 it sold at 1s. 9d. a pound. In nearly all countries it has supported governments by the taxes imposed on the same. Now it is a necessity, and it is our duty to afford it to our people at the lowest possible prices. This branch of the Government should insist on free sugar; the people are anxious for such legislation. The refiners should not ask protection; they can make a living. I know they employ seven thousand workmen, but we can not protect those at the expense of the sixty-four million inhabitants of our country. I understand the refiners' organization have \$40,000,000 capital invested in refineries. If their wishes are not met there is no danger of disaster to them financially. They can weather the imaginary storm and see the rest of our people benefited.

I believe we can, by the bounty provision, be as successful in cultivating sugar as have been the people of Germany and France. California, Oregon, Washington, Dakota, Nebraska, Minnesota, Iowa, Wisconsin, Michigan, Illinois, Indiana, Ohio, New York, New England, New Jersey, and Delaware present favorable conditions for sugar-beet culture. By encouragement this article can be grown by our own people. We have the soils and climatic conditions; we possess the skill in manufactures needed to create this industry in our country. Every pound of sugar made here prevents the importation of that article. If we build up this great industry we provide "a greater demand for farm labor, for workmen, and for fuel, and machinery made by the union of American labor and American capital." The time is coming when we shall see all sugar used here grown here.

I repeat that I would be glad to have all imposts taken off sugar. The agreement of the conferees of the House and Senate is a long step toward free sugar. It admits all sugars free of duty below 16 Dutch standard and imposes a duty of five-tenths of a cent on all refined sugars, thereby admitting brown and yellow sugar free of duty. This is free sugar on a large portion imported, leaving a greatly reduced and small duty on the refined. This is a great move forward in cheapening the price of sugar of all grades, and for these reasons I vote for the bill.

RECIPROCITY.

The Senate amendment for reciprocal trade with our neighbors will eventuate in advantage to us, I trust. It means trade extension in a section where we should supply nearly all the wants of the people thereof. Now we are large buyers and sell little in comparison. Last year we bought of the Latin-American countries goods to the amount of \$178,692,377, and sold to those countries our products to the value of \$68,104,983, paying a balance of \$110,587,394. It is hoped we can establish markets for our farm products and manufactures in the countries where we buy so largely.

REDUCTION OF TAXATION.

It is a pleasure to note that this bill (H. R. 9416), known as the McKinley bill, adds to the free-list many articles that we can not grow or manufacture here. There are nearly five million farms in this country and the owners and tillers thereof will rejoice that this measure advances their interest. Then the free-list is so enlarged that hereafter nearly half of our importations come in free of duty. Republican policy has been to reduce taxation. Since the war the Republicans

have had control of this branch of the Government for twelve years; during that period taxation has been reduced by Republican legislation \$423,504,563 (estimating that the tariff bill now about to be put on its passage will contain the \$66,000,000 reduction, as it passed the House in May). The Democratic party have had control of this branch twelve years since the war, and their record shows that their legislation has reduced taxation \$6,368,935. This is the record of the two parties in the reduction of taxation.

BINDING-TWINE.

I had hopes that the Senate amendment placing binding-twine on the free-list would be accepted by the House. Early in the session I offered a bill removing the duty from jute, manila, sisal-grass, and binding-twine. The bill was passed by the House, and the above-mentioned materials from which binding-twine is made were put on the free-list, while binding-twine was made to pay a duty of 1½ cents per pound, a reduction of one-half; this was quite a concession to the farming interests. This House made more reduction on this article than did the Mills bill, for that distinguished and extinguished measure placed a duty of 1½ cents per pound on binding-twine, one fourth of a cent more than the rate fixed by the McKinley bill. After the bill passed this body the Senate, while agreeing to the House provision placing the raw material on the free-list, went a step further and struck off the duty on the manufactured article. I would be glad to see binding-twine made free of duty. Probably that can not be done; at all events, the rate of duty hereafter will be greatly lessened.

Binding-twine is manufactured from imported jute, manila, and sisal-grass; none of these raw materials are grown in this country; they are free of duty by the provisions of the bill we are about to enact. There are forty-two mills in this country making binding-twine, with 9,800 spindles, employing 11,015 operatives, and with a capital invested of \$10,500,000, paying out \$10,000,000 per year in wages, which supports 50,000 persons; it is claimed the wage rates paid in these mills is double that paid in mills of this kind in other countries. These facts will no doubt deter many gentlemen from voting to place binding-twine on the free-list. They hold, and I must admit there is much force in their reasoning, that if the protection is removed entirely the industry here will be destroyed, and as soon as our manufactories are closed and the competition of the forty-two American mills removed the market will be surrendered to the foreigners, who will combine and increase the price. It is believed that a trust has existed among the Canadian and American manufacturers. We are assured that this charge is without foundation; that simply an association was formed of the Canadian and American owners to buy the raw material, which was to their advantage. If a trust has existed, the far-reaching law of this Congress will destroy it.

Our farmers complain that this association of manufacturers have extorted money from them by frequently running up the price unreasonably and unjustly. Our protective tariff has the effect of promoting competition and lowering prices. This beneficial effect has not followed the binding-twine industry always; while we have had a falling market in this country for some years, binding-twine has not decreased in price. Although there have been many mechanical improvements in the manufacture of binding-twine, and a lowering in the cost of making, the farmers have not received the benefit of the reduction to which they were entitled. To the farmers the cost of binding-twine has been a grievous burden, and the millions of farmers who have been paying tribute to the manufacturers have asked relief, and which ever proposition before us we may agree to affords a cheaper article. While I prefer that binding-twine be made free of duty, if the majority decide to retain the reduced tariff proposed it is clear we have cut the knot of this twine question. There are 10,000,000 pounds of this twine used in this country every year.

Our wheat crop last year was 490,500,000 bushels. Add the yield of oats and barley and you will see a great market exists here for binding-twine; a market that the binding-twine makers will do well to cultivate by every concession possible in the way of only legitimate profits and fair dealing. The wheat crop of Michigan this year is 24,000,000 bushels. The farmers of the Peninsular State are much interested in our action, as it concerns them vitally. They and all the farmers of this country demand that they be no longer subjected to the exaction of the syndicate of Canadian and American twine-binder manufacturers. I would be glad to concur in the Senate amendment and make this article free of duty, raw material and manufactured. But if this can not be done, I am gratified to know that the duty will hereafter be less than ever before. Even that is a substantial concession to the interests of the farming community.

The final agreement on this bill is in the interest of the farmer. The raw material in the manufacture of binding-twine is made free of duty, while existing duties on twine are reduced from 2½ cents per pound to seven-tenths of a cent. This is a large reduction in the interest of the farmers, and they can hereafter thank this Congress for a very enlarged reduction in the impost on binding-twine. As the conferees have made a compromise in the interest of the farming community, I will vote for the bill.

FREE COINAGE OF SILVER.

In Michigan and other States those citizens who believe in free

coinage of silver state that free and unlimited coinage of silver is demanded by the people. If there is such demand we have had no knowledge of the same. I believe it is the duty of the Representative to represent the wishes of his constituents, and I would gladly voice the opinions of my people when they demand legislation. I have looked carefully over the petitions presented to this Congress on this subject and I find that there were 187 petitions, bearing 7,798 signatures, for free coinage. In addition I find there were memorials from 119 organizations, making 306 petitions and memorials; of this number there were one petition from 119 citizens of St. Charles, Mich., and a memorial from the Farmers and Bee-Keepers' Association, of Newaygo, Mich. If the people of Michigan desired free coinage of silver they did not manifest it through the right of petition, as the records clearly show. I am informed the Silver League, doing business in this city for many months in the interest of free coinage, sent out 8,000 of their petitions, but only 101 were sent to Congress with signatures.

In Michigan the Industrial party and the Farmers' Alliance demand free coinage of silver, while the Patrons of Industry and the State Grange declared for the wise measure passed by this Congress. Then along came the Democracy of Michigan, marching to its customary defeat, and it indorsed the Administration of Grover Cleveland as "wise and statesmanlike," and, ignoring the hostility of President Cleveland to the coinage of silver, the Democracy of Michigan declared in favor of the free coinage of silver.

Mr. Speaker, it is certainly remarkable that the Presidents who are revered by the Democratic party have inflicted almost irreparable injury upon silver and the efforts to make it circulate as fully accredited money. This country had free coinage by the act of 1792, and silver was a legal tender for all debts and the silver dollar was being coined at the mints. In 1805 President Jefferson found gold was leaving the country, and to stop the outflow of the yellow metal he ordered the discontinuance of the coinage of the silver dollar. It was held that this act of President Jefferson was without authority and in direct violation of law. Up to that time 1,439,517 silver dollars were coined, but the effect of the Presidential interference resulted in the suspension of coinage of the dollar from 1806 to 1836. This was the first demonetization of the silver dollar, the act of the Jeffersonian Democracy.

In 1834 all silver coins except the dollar were circulating quite freely and gold was growing scarcer. General Jackson and his advisers caused the ratio of 15 to 1 to be changed to 16 to 1, and this step, intended to augment the supply of gold in this country, thoroughly banished all silver coin from the United States. This treatment of silver by the Jacksonian Democracy drove the white metal from the country, demonetized and destroyed the silver money of the nation.

In 1853, under the Administration of President Pierce, free coinage was prohibited, gold was declared the unit of value, and silver was employed only as subsidiary coin, being a legal tender for only 25¢. The silver dollar was unknown. Again was silver demonetized under the Pierce Democracy.

In 1885 the nation was piling up the remonetized silver dollars in the Treasury, and President Cleveland was about to take office. He issued that famous letter to Congress depicting the evils that would befall the country if the coinage of silver dollars was continued, and vigorously demanding the suspension of the coinage of the silver dollar, desiring that the silver dollar go into "innocuous desuetude." His warnings were not heeded, but during President Cleveland's term silver was not advanced in use as the money of the country; the Administration from 1885 to 1889 was unfriendly to silver. Cleveland Democracy was the foe to the silver dollar and grudgingly coined as few of them as a discretionary law permitted.

I want to direct attention to the fact that we had free coinage of silver in this country from 1792 to 1853, except for short intervals, and during those sixty-one years the coinage of silver only amounted to \$79,241,904.50. Silver is the ancient metal from which the coinage of the world was made, and was in use for money long years before gold was used in that capacity. But free coinage did not popularize it in this country, as the trial of sixty-one years demonstrates, while in the thirty-seven years silver coin has been made from bullion bought by the Government the coinage has been about \$530,000,000. Under free coinage gold was driven out; under the present system we had on the 1st of September, in gold coin and bullion, \$689,273,307, which is used as money or has its paper representative in the channels of trade. Under free coinage, with the reduced price for silver, the bullion and silver-mine owners would be enriched at least \$19,000,000 per year in the coinage profits at the expense of the people. We prefer that all profit go to the people.

THE DEMONETIZATION OF SILVER.

For years the charge has been made that silver was secretly demonetized in 1873. Many good citizens have heard this statement so oft that it is accepted as true. While I believe the act demonetizing silver was not a wise measure, I further believe that the truth should be known. This charge was first made in this House August 3, 1876, and was promptly contradicted and proven by the record to be without foundation. The charge has been on its travels every year since, while the facts have had no hearing. The records of Congress show that the

bill providing for the demonetization of silver was sent to Congress in 1870 by the Secretary of the Treasury. This bill provided for the discontinuance of the silver dollar of 412½ grains. At that time there had been but 8,045,838 of the coin issued and they were held at a premium of 3 per cent. over gold; in consequence, none were in circulation.

The bill was printed, widely distributed, and canvassed by the commercial world, with the report of the Secretary of the Treasury and officers of the mints and assay offices. These were laid before the Senate April 25, 1870, and before the House June 25 of the same year. The subject was fully discussed in these reports from standard authorities. The bill was taken up in the Senate on the 9th of January, 1871, and after two days' debate was passed. Strange as it may seem, this bill eliminating the silver dollar from our coinage and providing that subsidiary silver should be a legal tender for only \$5 was passed by a vote of 36 yeas and 14 nays, and every Senator from the Pacific coast voted for it, while JOHN SHERMAN, the great financier and able Senator, voted against it! The Senate sent the bill to the House, where it was considered by the Committee on Coinage and favorably reported. Nothing was done with it that session.

At the assembling of Congress during the next session the bill was again introduced in the House, and Mr. Kelley amended it by providing for the issuance of a subsidiary coin of 334 grains of silver, the same as the French 5-franc piece, but limiting its legal tender to the amount of \$5. When the bill passed this dollar was omitted, and, at the request of the Senators and members from the Pacific coast, the trade-dollar of 420 grains was authorized in its place, for the Chinese trade, to accommodate the merchants of the Pacific coast, who desired the trade-dollar in order to supplant the Mexican dollar. Thirty-five million nine hundred and sixty-five thousand nine hundred and twenty-four of these trade-dollars were coined.

It appears from the official records that this bill demonetizing the silver dollar was considered for nearly three years before it became a law, on the 12th of February, 1873. The bill was printed thirteen different times and generally circulated. The debates in the House reveal the statement of several members that they had read "every section and line of this bill." The measure was carefully considered at five different sessions of Congress by committees of the House and Senate and in the session, of both bodies. I judge that speech was silver in those days, for this bill, which we have been so often and insistently assured secretly demonetized silver, was thoroughly and exhaustively discussed, the debates in the Senate occupying sixty-six of the broad columns of the Congressional Globe, while in the House the speeches thereon fill seventy-eight columns. These speeches in the House and Senate, one hundred and thirty-four columns in extent in the Congressional Globe, would fill many pages of the newspapers of to-day. It will be seen how baseless is the charge that silver was surreptitiously demonetized. It is a misstatement from beginning to end.

MONEY IN VARIOUS COUNTRIES.

The charge has been made and is daily made that our money amounts to but \$5 per capita. This statement is without a shadow of truth. I have here the statements of the United States Treasury of September 1, which show that the coin and paper money of the country on that day amounted to \$2,092,568,924; of this \$646,505,982 was in the Treasury, leaving \$1,436,062,742 in circulation, almost \$22.50 per capita. Since then forty millions more in money has gone into circulation by buying bonds. The other foremost nations of the earth have money per capita as follows: France, population 38,250,000, has \$57.36; England, population 33,165,000, has \$22.01; Germany, population 48,000,000, has \$20.63. France has more gold and silver than any other nation; the nation does not have free coinage, but a law similar to ours.

The three nations have combined \$1,059,000,000 in paper money, while this country had on the first of this month \$943,554,195 in gold and silver certificates, United States and national-bank notes. It will be seen that the volume of paper money nearly equals that of the three great nations whose combined population is nearly double that of this country, which is 64,000,000 souls. In the last twelve years we have increased our money a little over \$630,000,000, and yet I am in favor of adding thereto.

It is difficult to state how much money per capita is required to do the business of the country. Senator SHERMAN, in his exhaustive speech of June 6, gives a table of the transactions of 1,966 banks in one day (June 30, 1881). The receipts of those banks on that day were \$284,714,016. Of this great sum the 16 New York banks received 98.70 per cent. in checks and drafts, leaving but 2.30 per cent. receipts in gold, silver, and paper; the other 187 banks of reserve cities received 94.38 per cent. in checks and drafts, leaving but 5.62 per cent. in money, and the 1,731 banks in the country received 81.72 per cent. in checks and drafts, taking in but 18.28 in paper money and coin. Although our money has increased, the national banks have been drawing in their issues. In 1882 there was a little over \$356,000,000 of these issues; on the first of this month the national-bank notes had fallen off one-half, there being only \$178,217,240 in circulation. These banks have paid in Government taxes \$138,000,000 since they were organized.

The people appear to wish them to retire, and the banks do not care to continue in existence; hence there is contraction in that class of money. This country has grown wonderfully in the last decade, our

population increasing 14,000,000. We needed more money. We had been increasing our silver dollars each year, beginning in 1878, when there was a discount of 8.3 per cent. on each dollar, which kept increasing each year, until in 1890 the intrinsic value had declined 28.3 per cent. The coin would not circulate, but its paper representative would. Those who advocate unlimited coinage fail to point out a method that would compel the people to use silver dollars, or circulate them, against their will. Being unable to compel the circulation of silver dollars, the mere coinage would benefit nobody.

THE NEW SILVER LAW.

Happily a safe method of utilizing our silver was presented. A law was devised to purchase silver bullion and issue certificates therefor. Accordingly the law provided for the purchase of 4,500,000 ounces of the white metal monthly, and its representative in paper to the amount of \$4,500,000 is issued every calendar month. This enlarges the currency \$54,000,000 every year. The \$70,000,000 held in reserve for the redemption of retired national-bank notes is turned into the Treasury and will go into the avenues of trade. This is an increase of our money this year of \$124,000,000. The new law works admirably. "Sixteen ounces of silver bullion may not be worth 1 ounce of gold, still one dollar's worth of silver bullion is worth one dollar's worth of gold."

I voted for this bill to increase the currency. In doing so I represented the wishes of the Michigan State Grange, which body unanimously adopted this resolution:

Resolved, That we consider it for the best interests of the farmer, as well as for the entire debtor class of the United States, that the whole product of gold and silver from our mines should be utilized by the Government as the basis of a legal-tender money currency by purchasing the entire output of the mines at its bullion value and issuing thereon legal-tender coin certificates at its coin value, but without coinage of either metal until the necessities of the Treasury require it.

Then the Patrons of Industry of Michigan, several months before the law was passed, asked for such an act by this resolution:

We endorse the principle of a bimetallic currency, and believe the National Government should acquire and hold the output of our gold and silver mines and issue to the people gold and silver certificates, making them legal tender for all purposes.

Mr. Speaker, you will see the wisdom of these two great bodies, composed of the intelligent, observing farmers of Michigan. I obeyed their wishes in this matter, and I believe that vote is acceptable to all the people. The result of the law is pleasing to all citizens who desire prosperity based upon a sound currency.

This act has proven most beneficial. It was a triumph in legislative financial wisdom. The value of the bullion in our silver has advanced nearly as much in two months as it declined in the ten and a half years following the passage of the Bland bill. This law has increased the intrinsic value of our silver money \$90,238,000, which enriches the nation that much, for the Government is the people.

Since this law was passed wheat has advanced in price, and experts assure us the increased price of the farmers' wheat aggregates \$154,526,400; the corn crop is worth \$427,860,630 more than it was prior to the passage of this law, while oats have had an aggregate advance of \$108,969,675 since silver was utilized. This Administration has been friendly to silver. You see the result. It is computed that this law has increased the value of the crops of wheat, corn, and oats to the amount of \$691,000,000, quite a comfortable advance for the farmer. This law received every Republican vote in the House and Senate, while every Democratic Senator and Representative voted against it. We were right; they were wrong. Good authority estimates the advance in price of the products of the farm since the act was passed to amount to \$1,000,000,000.

The effect of this bill enlarging the currency and utilizing silver will be far-reaching in its benefits for all our people. The advance in price of silver removes Indian competition. Already Indian exchange and the value of the rupee of India have advanced in harmony with the advance of silver here. Hereafter the wheat of India can not compete at such low prices as heretofore; the silver in which payments have been made for Indian wheat has increased in value and the cereal crop of that country will cost nearly 30 per cent. more than before this law was passed. The buyer of India wheat will no longer have this advantage to injure and torment our farmers. American wheat will once more take the British market from India. All our staple exports will require more dollars than before from European consumers. It will be found the imports of wheat from India will diminish as silver appreciates in value. This expansion of the precious-metal currency of this country is restoring the value of our productions to their right level. We will have more money each month, better prices, and business activity. These are the results of the silver bill.

THE MONEY OF THE PEOPLE IN NATIONAL BANKS.

In September, 1887, the surplus locked up in the Treasury made money close. President Cleveland and his advisers adopted the expedient of depositing public moneys in national banks, without interest, to relieve the stringency of the money market. In a short time \$60,000,000 of the Government funds were among the deposits of national banks, and those moneyed institutions enjoyed the benefit of those vast sums for a year. If the money had been devoted to paying \$60,-

000,000 of Government bonds the saving in interest that year would have amounted to \$1,500,000.

On the 4th of March, 1889, President Harrison's Administration began, and it found \$43,008,587.20 held in national-bank depositories. The Treasury officials at once began checking the money out and investing it in bonds, so that in eighteen months \$17,134,781.96 was drawn out, put into bonds, the interest stopped, and the money put in active circulation. This was a wise financial operation and in accordance with good judgment and the wishes of the people. The remainder of this money on deposit will soon be called in and invested in bonds, thereby paying the debt of the country and stopping interest.

The country will take notice that this Administration believes in paying the debts of the country, stopping interest, conducting affairs economically and efficiently, protecting agriculture and all industries, enlarging the money of the nation, and instead of hoarding it as a surplus to frighten the people over the accumulations, puts it where it can be utilized in the avenues of trade and commerce.

THE ADMINISTRATION.

Mr. Speaker, as the session is about drawing to a close we should look to the methods by which the present Administration is meeting the responsibilities of Government control. It is noticed that the collection of internal-revenue taxes last year increased \$11,700,263.37. It seems that department was most efficient, especially when we realize that the cost of collection of all taxes in that division decreased \$85,000. It appears that the average cost of collection of internal revenue under Mr. Cleveland's Administration was 3.36 per cent., while the cost of collecting the same excise, only the work is more thorough with an increased yield of \$11,700,263.37, under President Harrison has fallen to 2.9 per cent. Efficiency and economy have caused the above gratifying result.

FINANCIAL MANAGEMENT.

From the days of Lincoln to Arthur the custom was to apply the surplus revenues of the Government to the purchase and redemption of United States bonds, leaving such balance in the Treasury as was needed for current expenses. When the Government passed into the hands of President Cleveland March 4, 1885, the balance in the Treasury was \$21,631,381.67. Besides this there were small sums in fractional silver and minor coins. At that time there were \$194,190,500 of 3 per cent. bonds, redeemable at the pleasure of the Government. Instead of redeeming these bonds and stopping the interest, the Administration began to accumulate the surplus, and the result was that up to September 1, 1886, the first eighteen months of the Cleveland Administration, the surplus in the Treasury mounted to the enormous sum of \$76,527,561.24. During that eighteen months but \$62,138,400 of those bonds were paid.

I have shown what was done in bond buying during the first eighteen months of President Cleveland's Administration. It is an old saying that "comparisons are odious," but let us "open the books" and see how President Harrison's Administration has handled the finances during the first eighteen months of its existence. When the Harrison Administration took office, March 4, 1889, the surplus in the Treasury amounted to \$48,096,158.50. This Administration did not believe in hoarding a surplus, but did believe in releasing the money, paying debts, stopping interest, and letting the cash go into business channels instead of being locked up in the Treasury vaults. But there were no bonds to purchase; the holders held them at premium. Notwithstanding this disadvantage, the Administration has marked its first eighteen months by the purchase of \$171,000,000 of 4 and 4½ per cent. bonds; this Administration paid bonds to the value of \$171,000,000 in eighteen months. In the first eighteen months of President Cleveland's Administration only \$62,000,000 in bonds were purchased.

Under President Cleveland the money was kept in the Treasury, to be talked about as the menacing surplus. Under President Harrison the cash goes to pay bonds, interest is stopped, the money is released from the Treasury and is employed in the business of the country. During the first eighteen months of President Cleveland the bond purchases averaged less than \$3,500,000 per month, while under the Administration of President Harrison the average investment per month in bonds has been over \$11,000,000. It is safe to say the people will prefer the methods of President Harrison's Administration. It saves many millions in interest every year, while reducing the debt.

I have given the financial transactions of the Government in the reduction of the interest-bearing debt up to September 1. On Tuesday I visited the Treasury and found that in addition to the above admirable showing for twenty-two days of this month 4½ and 4 per cent. bonds, with premiums thereon, to the amount of \$41,654,657 had been paid; that is, over \$2,000,000 per day expended for bonds, and the money leaves its hiding-place and goes out to move the crops, goes into the hands of the farmer and toiler. Under Republican management we shall soon see the glad day when there is no national debt and the vocation of the coupon-clipper will be among the lost arts.

Mr. McKINLEY. I yield to the gentleman from Iowa [Mr. KERR].

Mr. KERR, of Iowa. Mr. Speaker, there is one feature of this bill to which I am seriously opposed, and that is the bounty system, as I have stated more at length before. I heartily approve of the most of

this bill. I believe in the policy of protection without any question, but only sufficient to secure fair competition.

In regard to the wool schedule, of which, perhaps, more criticism will be made in my section of the country than any other, I will say that the apparent increase of the protection given to the manufacturers of woolen goods in this country has been made necessary by the demand which was made very generally by the farmers for the protection of the wool-growers. The fact that the importation of woolen goods increased from \$33,000,000 in 1883 to \$58,000,000 in 1889 shows that the American market is being invaded, and that a modification of the tariff in the interest of American manufacturers is necessary.

The Legislature of my State, by unanimous vote of the Republican members in 1884, with my own dissenting voice, favored the restoration of the duty of 1883 on wool. The increased protection has been made necessary by the increase in the duty on wool, unless we are willing to make a still further surrender of the American market.

[Here the hammer fell.]

Mr. FLOWER. I now yield to the gentleman from Massachusetts [Mr. ANDREW].

Mr. ANDREW. Mr. Speaker, never before in the history of our legislation has it been proposed to tax the people purely for the purposes of protection without any regard to the expenses of the Government or the necessary revenue. Since this bill has been under consideration the people have begun to realize the great injury which must result to business by the unnecessary interference and unreasonable restrictions which it is proposed to place upon trade. Great uneasiness is felt in the commercial centers, the farmers have become aroused, and open revolt is apparent in the ranks of the party in power.

The United States has reached the point when one of its highest duties is to enlarge the area of its foreign trade.

That is the language of Mr. Blaine, the great leader of the Republican party, who, in his letter to Senator FRYE, speaking of this tariff bill, said:

There is not a section or a line in the entire bill that will open the market for another bushel of wheat or another barrel of pork.

The Merchants' Association of Boston, an organization composed almost entirely of Republicans, has passed the following resolution:

That recognizing a tariff or duty laid upon foreign goods to be a tax which in its practical effect depreciates the price of value of goods in the foreign port as well as increases it in our own, we believe it to be just in principle and wise in policy, on the above basis, by negotiation to promote better commercial relations in such an adjustment of duties as shall stimulate and increase our trade with other people, enlarge our markets for the product of American skill and industry, and make more friendly our relations with those especially who dwell with us on the same continent.

The Secretary of the Home Market Club, in a published communication, uses this language:

What I said was that I favor, and so do members of this club so far as I know, reciprocity limited to such articles as are not competitive between the contracting nations, and in the production of which each has a natural advantage over the other. I also favor Senator SHERMAN's proposition for reciprocity on coal between the United States and Canada, as a portion of New England would like to bring coal from the maritime provinces, and Canada already imports American coal far in excess of her exports past, present, or prospective. If this is free trade, then I am guilty; but it looks to me like enlarged protection. We desire all markets and products that do not impair our own.

This evidence from high Republican authorities shows that the provisions of this bill are absolutely antagonistic to the needs of the people.

In order to allay opposition and to seem to meet the popular will, it is proposed to amend this bill by adding a section which pretends to grant reciprocity of trade with foreign countries.

The amendment provides that whenever the President finds the Government of any other country which produces sugars, molasses, coffee, tea, and hides, raw and uncured, imposing duties upon American products, which he considers reciprocally unequal and unjust, it shall be his duty to tax these articles coming from that country at the following rates:

Sugar at the present rates of duty.

Coffee 2 cents per pound.

Teas 10 cents per pound.

Hides, raw or uncured, whether dry, salted or pickled, etc., 1½ cents per pound.

He must also suspend by proclamation the provision which places these articles upon the free-list.

It is safe to say that such extraordinary power has never in recent times been given by a free people to the Executive. We here permit the President, at his own discretion, to tax the property of individuals.

Section 8 of the Constitution provides that "The Congress of the United States shall have power to lay and collect taxes, duties, imposts, and excises." And nowhere is a provision to be found by which this power can be exercised by any one else.

Neither has the President the power to make a treaty, which this amendment would seem to imply that he had. The reason why this power is vested in the Senate is shown by the following language of Alexander Hamilton:

But a man raised from the station of a private citizen to the rank of Chief Magistrate, possessed of a moderate or slender fortune, and looking forward to a period not very remote when he may probably be obliged to return to the station from which he was taken, might sometimes be under temptations to

sacrifice his duty to his interest, which it would require superlative virtue to withstand. An avaricious man might be tempted to betray the interests of the state to the acquisition of wealth. An ambitious man might make his own aggrandizement, by the aid of a foreign power, the price of his treachery to his constituents. The history of human conduct does not warrant that exalted opinion of human virtue which would make it wise in a nation to commit interests of so delicate and momentous a kind as those which concern its intercourse with the rest of the world to the sole disposal of a Magistrate created and circumstanced as would be a President of the United States.

As a well informed Republican has shown that in two years there will be an enormous deficit in the national Treasury unless some additional method of taxation is provided, such a power as is proposed in this reciprocity amendment might be a very convenient instrument to have in the hands of the President, but the possibility of its use would hardly tend to encourage business stability.

The opportunities for speculation would be enormous; any one having the knowledge in advance that such duties were to be imposed would have information which would be worth fabulous sums. And no one will imagine that such information could be kept secret. It may be claimed that there are many similar opportunities under the Government, but those cases are where the power must in the nature of the case be given to an administrative officer, and then we must run the risk of a breach of trust. In this case we are deliberately yielding up a legislative function to the Executive without any warrant in law.

No one will believe that any man who can be placed in the high office of Chief Executive of this Government would knowingly betray his trust, but designing men may employ subtle influences which one innocent of wrong would not be able to guard against.

There is one detail in the provision which would work a peculiar hardship. This proposition is to authorize the President to levy a tax of a cent and a half a pound on "hides, raw or uncured, whether dry, salted or pickled, Angora goat skins, raw, without the wool, unmanufactured, asses' skins, raw or unmanufactured, and skins, excepting sheepskins with the wool on."

It is estimated that from a hundred pounds of dry River Plate hides at least 170 pounds of leather is made, on the average; from 100 pounds of green salted hides not over 70 pounds of leather can be made on the average. The absurdity of putting an equal tax on dry and on green salted hides is apparent to any one.

The passage of this bill must cause great uncertainty in business and great injury to any one engaged in dealing in hides or the manufacture of leather or trading in coffee or sugar. When any other government, no matter how insignificant it may be, imposes a duty upon any of those articles which the President "deems to be reciprocally unequal and unreasonable," "it shall be his duty" to levy these taxes. What a condition in which to place trade, and how can any one engaged in it know what prices may be at any moment in any of these articles? Sugar coming from one country is free, while if imported from another must pay a duty. Hides imported to-day may be free, but coming in to-morrow are taxed one and one-half cents per pound, or free from one country and taxed if from another. Such government interference which no man at any time can guard against may destroy the most solvent merchant by the effect upon prices.

Mr. FLOWER. I now yield to my colleague, Mr. TRACEY.

Mr. TRACEY. Mr. Speaker, at the opening of the discussion of this tariff bill, I offered a number of amendments, some of them in relation to the chemical schedule, among others as to the rate of duty on coal-tar preparations, reducing it from 20 to 10 per cent. I had hoped until this morning that when the bill was reported from the conference committee I would discover that something had been done towards relieving the burdens of the aniline-dye industry—a large manufacturing interest in the counties of Erie and Kenaselaer and my own county of Albany, all in the State of New York.

I am disappointed to find that not only this duty on the raw material is continued as fixed in 1853, but that in conference several alizarine dyes have been placed on the free-list. If other paragraphs and other provisions of this bill are to be judged by this action I must say the gentlemen of the Ways and Means Committee have exercised anything but good judgment in the preparation of their bill.

I have received from time to time from different parts of New York State, including the city of Albany, protests against the great increase of the duty on barley. It was formerly 10 cents a bushel, and the Committee on Ways and Means have raised it to 30 cents. Probably this is to curry favor with the farmers. I, for one, having a large farming population in my district, would be glad that they receive benefit whenever the tariff is revised, but in a letter sent to me by the Albany County Farmers' League I am requested to use my vote and influence to further the interests of the farmers in my district when it can be so used without detriment to the whole people.

I take pride, Mr. Speaker, in pointing out the broad view taken by these farmers whom I have the honor to represent, and even if the malsters of the city of Albany were not to suffer from this heavy tax I question that these gentlemen who addressed me would be willing to acquiesce in legislation inflicting incalculable injury on the cities of Oswego and Buffalo. Nor is it my opinion that the farmers in those districts will differ greatly from the people of the cities in wondering why members from the State of New York are willing to see business interests of that great Commonwealth crushed out of

existence. Radical changes in either direction should be carefully considered when revising the tariff.

The bill before us does not give evidence of having been made in a spirit of justice. Sugar has been made free, which will reduce the expenses of the household, but the people are to be taxed to pay a bounty to producers which will give to some individuals an income each year amounting to a fortune. A new army of officials will be necessary to carry out this scheme. The platform of the Administration party called for free alcohol to be used in the arts; instead of that we find in this bill free brandy mixed with free wine, giving a cheap untaxed beverage as strong as drinking-whisky. This provision also requires an increase of the office-holding force.

All through the bill we find evidences of the general welfare of the people having been sacrificed to the necessity of further enriching a few manufacturers who have been made wealthy by legislation in the past, and to the appeals of some members representing close Congressional districts. It is, I fear, a politicians' bill and unworthy of the approval of statesmen. Those who framed it would have done better had they been free agents, but a vigilant lobby, made up of men who had been leaders in a political campaign, insisted that promises must be fulfilled.

However, Mr. Speaker, I have on former occasions discussed this bill and my principal reason for taking the floor to-day was to print, with a few remarks, extracts from articles written by Mr. Edward Atkinson and published in the August and September numbers of *The Popular Science Monthly*. I commend them to my colleagues as interesting and instructive.

[From *The Popular Science Monthly*.]

COMMON SENSE APPLIED TO THE TARIFF QUESTION.

[By Edward Atkinson.]

I.

The time has come when it is the duty of every man who may be assumed to have some exact knowledge upon the subject of taxation, to present his views when called upon in a simple, plain way, without regard to his own private interests, whatever they may be.

Before coming to the main subject, I beg to say that I should myself find it somewhat difficult to characterize my essay by any distinctive title which would be theoretically correct. I observe that my work, my figures, and my views are quoted by one party as often as by the other; and I also find that exceptions are taken to my presentation of this subject in about even measure by the doctrinaires on the free trade and the intolerant on the protective side alike. I may perhaps characterize this essay as one "upon the protection of domestic industry and the development of the home market by exemption from unnecessary taxation;" or, for short, I will call it "Common sense applied to the tariff question."

The motive of this address may be given in the form of a simple account current, which might be entitled "Uncle Sam in Account Current with his People." We, his people, may rightly charge Uncle Sam with the contributions which we are called upon to make in order to meet the obligations of Government.

We may credit Uncle Sam with the expenditures that are required to meet the obligations of the war, and also for the conduct of the Government, equitably administered with the least interference with the freely chosen pursuits of the people.

This account is adjusted to the prospective revenue, predicated on receipts to date in the year 1890.

I will therefore make Uncle Sam debtor to the amount of the war taxes which are collected under the internal-revenue system on whisky	\$78,000,000
To the amount of the war taxes which are collected under the internal-revenue system on fermented liquors	27,000,000
To the amount of the war taxes which are collected under the internal-revenue system on tobacco	33,000,000
To the amount of the war taxes which are collected under the tariff on sugar and molasses	60,000,000
	198,000,000
Add for elasticity in 1890 and 1891	2,000,000
	200,000,000

REVENUE FROM WAR TAXES.

We will credit Uncle Sam with the annual obligation for the payment of pensions already granted, now rated at \$65,000,000, adding for arrears \$35,000,000.

We may now hope that the current annual pensions, aside from arrears, may not get beyond the sum named above, \$65,000,000. It will be observed that the payment of arrears is the liquidation of a debt now in process of being audited, and that on payment the liquidation of arrears of pensions is final.

We will credit Uncle Sam the amount of interest which must be paid on the war debt.

	\$1,500,000
We will credit Uncle Sam with the amount which should be applied to the sinking fund for the extinction of the war debt	48,500,000
	180,000,000

When we balance these war taxes against the war expenses, we find a surplus which may be carried forward to meet the ordinary expenses of the Government, \$20,000,000, and this surplus will be subject to rapid increase with the growth of population and the presently diminishing burden of debt and pensions.

*Between the date of the preparation of this treatise in May, 1890, when it was written for submission to a private club, and the correction of the proof for publication, a pension act has been passed which may for a time take up this excess of war taxes above the previous war expenses, and even a little more. It is believed, however, from the best information that can be obtained, that even under this act the current annual pensions will not exceed \$100,000,000 a year.

On the other hand, the elasticity of the revenue which is due to the growth of the population and progress of the country, will be likely to render the avails of the taxes on liquor, tobacco, and sugar quite sufficient to meet even the extravagant pension-list under this and previous acts, and the diminishing amount of interest on the public debt, even without stopping the contribution to the sink-

In the analysis which I shall present in this essay, I shall endeavor to prove how readily the remainder of the necessary contributions of the people to the support of the civil government may be collected wholly from taxes on articles of luxury or of voluntary use, or on the finer textiles which are dependent on style and fancy for their sale, without putting any tax of any kind upon any commodity, either partly manufactured, crude, or raw material, which is necessary in the processes of our domestic industry. I shall endeavor to show how the removal of \$40,000,000 to \$50,000,000 of obnoxious taxes now imposed upon this class of materials may open the way to products, sales, wages, and profits amounting to at least \$500,000,000 a year, which such a policy would add to the resources of this nation, to be divided equitably among the people in the form of additional wages and profits, thus promoting domestic industry, enlarging the home market, raising both the rate and the purchasing power of wages, and increasing profits.

In the renewed discussion of the tariff question it has become unpleasantly manifest that men are taking positions which may soon lead to a very bitter conflict, in which contest mutual recrimination will cause distrust and may prevent any suitable reform of the tariff being carried into effect, as it ought to be, by the common consent and governed by the common sense of all men who are directly interested in the matter, and by the application of that sound business judgment which should be applied to this business question.

It is very true that there are moral as well as political considerations underlying the whole problem of the tariff. Such being the case, it is a matter of duty for the citizen, who will not be directly affected either in property or in person in any considerable measure by any changes in our tariff legislation, yet to watch it and to give it a true direction. The effect of tariff measures, considered from the money point of view in their burden or their benefit, has, I believe, been very much overrated; but the evil of dependence upon legislation in the conduct of industry can not be exaggerated.

In the way in which this subject of tariff reform is now being treated, whatever is done will be badly done; therefore, great harm will ensue before any true adjustment of duties can be made to present conditions, although both political parties now agree that great changes are absolutely necessary. How can we separate this question from party politics?

It has always seemed to me very absurd, even grotesquely so, that men who are accustomed to put confidence in each other in the conduct of all their private affairs as well as in their town and city work, who trust each other in every walk of life, who serve together on boards of directors in savings-banks, insurance companies, trust companies, and the like, and who adjust all differences of judgment in a reasonable manner, yet when this subject of tariff legislation comes up impute to each other, or else sustain the newspapers that impute to each other, every form of insincerity, untruth, fraud, and malignant selfishness.

There is nothing so foolish as the imputations which are put upon the advocates of free trade by their opponents, except the corresponding imputations put by their opponents upon the mass of the advocates of protection, of lack of care or consideration for the public welfare. The masses are sincere on either side, however time-serving and incapable their political representatives may be.

Conceive what the conditions of this country would be if the ideas which the Cobden Club represents had not prevailed, and if our wheat and dairy products were boycotted as our pork is in Germany, or if our cotton were taxed as it was before the markets of Great Britain were made free. In 1890 there were nearly eight million men occupied in agriculture; now there are ten million, more or less. In 1890, 17 per cent of the product of agriculture found a home market only by sale for export; now about 12 per cent. If we did not exchange this product for other products, we could not sell it. If we could not sell it for export, over a million men would be driven from the field to the factory and to the workshop.

When I listen to the foolish talk of partisans on either side and witness the ill-judged contention on the tariff question I am sometimes inclined to exclaim, "A plague on both your houses!" Is it not time that this method of imputing wholly selfish or bad motives should cease and that any one or every one who indulges in it should be held in contempt as an example of intellectual stupefaction?

It was well said by President Cleveland when he so bravely brought the subject to an issue, "What we have to deal with is a condition, and not a theory."

Let us consider this condition, find out exactly what it is, and then see what we have to do in the matter, each man on his own account.

I have never known any intelligent advocate of a tariff for protection who did not consider free trade as the ultimate objective point in all tariff legislation. I do not know of any man of any intellectual standing, in public or in private life, who does not now look upon free trade as the true objective point of all tariff legislation. All sensible men hold that there are existing conditions which make it inconsistent with the public welfare to adopt revolutionary free-trade measures at the present time; but they all accept the fundamental principle, provided certain conditions precedent can be established in a safe and proper way.

The difference among intelligent men at the present time is only as to the time when it may be suitable to begin tariff reform in this direction, and upon the method of such reform. So it has always been. It is only the first step that costs. Gladstone once said, doubtless recalling his own experience and changes of views, "The road to free trade is like the way to virtue; the first step the most painful, the last the most profitable."

The conditions which now obtain in this country correspond very closely to those which existed in Great Britain in 1842, at the time when Sir Robert Peel was compelled to modify and ultimately to change all his previous conceptions upon this subject, and to become the leader in the great reform of the British tariff which ended in the present system, sometimes called that of British free trade. This system is not free trade in an abstract or in an absolute sense, because Great Britain raises a large revenue from duties upon foreign imports, and will probably be compelled to do so for very many generations in order to sustain the burden of her great debt. We shall also be compelled to raise a large part of our revenue from duties upon imports for one generation; but I will presently prove that our advantage in conditions is so great that it may enable us within even less than one generation to adopt absolute free trade if it shall become expedient to do so, except so far as it may continue to be necessary to tax the import of spirits in order to maintain the revenue derived from an excise measure. Whether or not absolute free trade may be desirable or expedient it will be time enough to determine when the opportunity is offered. What we have to deal with now is our present condition, and not this theory, as President Cleveland so well put it.

In one of Sir Robert Peel's great speeches which he made long after he had entered upon this course, he spoke as follows in explanation of his course at the beginning of the reform of the tariff:

ing-fund or providing for it in any other way. In English practice, which we might well adopt, such an extravagant pension act as that which has now been added to our previous ample provision would have been accompanied by a proposed tax intended to meet it specifically, like an income tax or a renewal of the duty on tea and coffee. Such is not our habit of legislation, although it well might be. In this connection, however, it may well be remembered that the interest on our public debt at its highest point amounted to more than \$150,000,000. It is not probable that pensions and interest will exceed, if they equal, this sum. This great obligation for interest did not prove to be inconsistent with a large excess of revenue which has been so wisely applied to the reduction of our debt. The attempt to spend the public money in order to prevent the reduction of the tariff has probably culminated; but the increase of the obligation for pensions renders a scientific or common-sense treatment of the tariff question yet more necessary than it was before.

"I stated, and I am ready to repeat that statement, that if we had to deal with a new society in which those intricate and complicated interests which grow up under institutions like those in the midst of which we live had found no existence, the true abstract principle would be to buy in the cheapest market and to sell in the dearest. And yet it is quite clear that it would be utterly impossible to apply that principle in a state of society such as that in which we live, without a due consideration of the interests which have grown up under the protection of former laws. While contending for the justice of the abstract principle, we may at the same time admit the necessity of applying it partially; and I think the proper object is first of all to lay the foundation of good laws, to provide the way for gradual improvements, which may thus be introduced without giving a shock to existing interests. If you do give a shock to these interests you create prejudices against the principles themselves and only aggravate the distress. This is the principle on which we attempted to proceed in the preparation of the tariff."

Our present conditions correspond almost exactly to this statement; and the logic of events is bringing almost all economic students, many Legislatures, and also nearly all the intelligent leaders in the manufacturing and mechanic arts to the same conclusion to which Sir Robert Peel was brought by the logic of events when he took office in 1840; especially by the very disastrous condition to which Great Britain had been brought under an obstructive tariff policy the effect of which culminated at that date.

One may also refer to one of the greatest speeches that Daniel Webster ever made—a speech which he delivered at Faneuil Hall in October, 1820, at a meeting which had been called to resist an increase of duties above the very moderate revenue tariff of 1816, which was then in force—a meeting such as ought to be held now to protest against a worse measure. This meeting was called by men whose names are familiar to every Boston man—by William Gray, James Perkins, Nathan Appleton, Abbott Lawrence, Joseph Sewell, George Bond, Thomas Wigglesworth, William Sturgis, and by many others whose names have been household words among the merchants and manufacturers of Massachusetts for generations. In dealing with the high-tariff measure which was then being forced upon Massachusetts against her will, Webster said:

"To individuals this policy is as injurious as it is to Government. A system of artificial Government protection leads the people to too much reliance upon Government. If left to their own choice of pursuits, they depend on their own skill and their own industry; but if Government essentially affects their occupation by its systems of bounties and preferences, it is natural that when in distress they should call on the Government for relief. Hence, a perpetual contest follows, carried on between the different interests of society. Agriculturists taxed to-day to sustain manufactures, commerce taxed to-morrow to sustain agriculture, and then impositions perhaps on both manufactures and agriculture to support commerce. And when Government has exhausted its invention in these modes of legislation, it finds the result less favorable than the original and natural state and course of things. I can hardly conceive of anything worse than a policy which should place the great interests of this country in hostility to one another, a policy which should keep them in constant conflict, and bring them every year to fight their battles in the committee-rooms of the House of Representatives at Washington."

"An appeal has been made to the patriotic feelings of the nation. It has been said we are not independent so long as we receive these commodities from other nations. He could not see the force of this appeal. He did not perceive how the exchange of commodities between nations, when mutually and equally advantageous, rendered one dependent on the other, in any manner derogatory to its interest or dignity. A dependence of this sort exists everywhere, among individuals as well as nations. Indeed, the whole fabric of civilization, all the improvements which distinguish cultivated society from savage life, rest on a dependence of this kind. He thought the argument drawn from the necessity of providing means of defense in war had been pressed quite too far. It was enough that we had a capacity to produce such means when occasion should call. The reasoning assumes that in war no means of defense or annoyance can be probably obtained, or not without great difficulty, except from our own materials or manufactures. He doubted whether there was much ground for that assumption. Nations had hitherto obtained military means in the midst of war from commerce. But, at any rate, as it was acknowledged on all hands that the country possessed the capacity of supplying itself whenever it saw fit to make the sacrifice and he did not see why the necessity of making it should be anticipated, why should we now change our daily habits and occupations, with great loss and inconvenience, merely because it is possible that some change may hereafter become necessary? We should act equally wisely, he thought, if we were to decide that although we are now quite well, and with very good appetites, yet, as it was possible we might one day be sick, we would therefore now sell all our food and lay up physic."

In another part of this great speech Webster, with prophetic insight, foretold how the whole face of New England industry and society would be changed for the worse if this high-tariff policy were forced into effect by sectional views. Two generations have passed since Webster's prophetic words in Faneuil Hall in 1820. This speech was given just seventy years ago. Do we not now witness the representatives of different industries fighting their battles in the committee-rooms of the House of Representatives at Washington? Do we not to-day witness agriculture taxed in order to sustain manufactures, commerce taxed to sustain agriculture, and impositions proposed upon both agriculture and manufactures to sustain commerce by subsidies and bounties?

Again quoting President Cleveland, "It is a condition, and not a theory, which we are called upon to meet," what is that condition? Here are two parties in Congress each attempting to deal with this great problem, each claiming to be equally in earnest to promote domestic industry, to develop the home market, and to protect the workmen of this country. The representatives of each of these two parties are elected by great bodies of voters who are equally honest and sincere in their efforts or who have persuaded themselves that they are and that the future prosperity of the country will depend upon their having their way. In this position we merely find conditions of the same kind that have been met before. In every great emergency each party claims to be the savior of the country, but the country saves itself in spite of parties, as it did in the civil war. Its material progress continues on its stupendous way in spite of the little, petty obstructions which are interposed by those who believe they can manage all the affairs of the people better than they can manage them for themselves.

Between these two parties, if this is to be a party question, each one of us must make a choice when we vote or when we select the party with which we must act. Both of these parties claim to protect domestic industry in the measures which they propose; but their proposed measures differ fundamentally. On the Republican side the policy is to tax every foreign product, crude, partly manufactured, or finished, of which a similar product has been or can be established in this country, without regard to the effect of such a tax on other branches of industry. Their avowed purpose is to impose taxes "for protection with incidental revenue," in order to render this country, as they term it, "independent of all others." It does not matter to them whether a branch of industry which might be set up exists at the present time or not. For instance, the Republican tariff bill will double the tax on tin-plates without regard to the use to which these tin-plates are to be put. No regard is paid to the nature of the work which must be done in order to ascertain whether it is desirable or not. The promoters of this measure simply say, "Here is something which may be made in this country for which we now exchange our surplus products. The work ought to be done here, even if its establishment costs twice or thrice what it is worth."

Now, if the most superficial examination had been given to the kind of work

which is to be done in dipping sheets of iron or steel into melted tin by hand, no machine having been invented for displacing this process, it would have been found that it is an art for which the people of Wales not only possess an inherited aptitude, but also that it is one which could not be established in this country without importing the Welshmen to do it, because we have so many opportunities for work, under more wholesome and profitable conditions, that we can not afford to do such work, no matter what the inducement may be.

In other words, the policy advocated by the Republican party is one of privation, and not of protection, and it is avowedly sustained by many prominent Republicans against their avowed conviction of what would be beneficial, and merely because an assumed party necessity compels them to surrender their own convictions of right.

On the other side, the policy advocated by the Democratic party for protecting American industry is to exempt from taxation all articles of foreign origin which, either in a crude or in a partly manufactured state, are necessary or useful in the processes of domestic industry. They hold that our capacity to produce food which the world must have or suffer from hunger; cotton, without which the commerce of nations would be crippled; oil which we can not burn ourselves; goods, wares, tools, and implements of many varieties, the best of their kind; all our great crops made and all our goods being produced or manufactured at the highest rates of wages and yet at the lowest cost as compared with any other country in the world, enables us to exchange these products for the crude or partly manufactured materials, the raw wool, the tin-plates, and for whatever we need which foreign laborers or workmen desire to sell in exchange. They hold that if we can get for one day's work at high wages in our own country the product of ten days' work even of foreign paupers, we can not afford to do that kind of work for ourselves; they hold that by such exchange we may gain yet higher wages and larger profits, the wider we can extend our commerce on such terms.

They hold that what we receive from other countries in exchange for the excess of our products which we can not consume becomes as much a part of our own product as if these necessary commodities had been produced on our own soil or from our own mines and forests.

They hold that the home market is most fully established when all possible obstructions to the mutual service of nations are removed and the utmost facility given to the people of every land to send to our home market what we need and to buy in our home market what we do not want for our own use.

That is free trade, qualified by the necessity of obtaining a revenue from duties on selected imports. When we have attained it we may wonder why any one ever dreads it; and if I may once more repeat my favorite quotation from Mr. Gladstone, "Then will the ships that pass between this land and that be like the shuttle of the loom, weaving the web of concord among the nations."

Between these two lines of policy every voter will soon be compelled to choose, and by making this choice a great change in the relative influence and importance of one party or the other will be brought about unless we can separate this question from party politics.

In order that this choice in each man's method of action may be rightly made, it now becomes expedient to treat the method of tariff reform simply as a business question, and not as a party question. Parties which are thrown out of all true relation to the future by the issues of the past ought to be reorganized so as to carry into effect the conclusions to which voters have been brought by their convictions of right on the issues of the future. When they are renovated in this manner one may expect a great many men who are now holding prominent positions to be relegated to private life. Their places will be taken by men who are competent to apply reason, judgment, and common sense in their methods of fiscal legislation, a faculty or capacity which has been denied to many of those whom the circumstances of the past have thrown up into positions of considerable prominence which they have continued to hold up to the present time, but for which they are incapable.

When dealing with the tariff question in this way it is probable that every intelligent man who is conversant with affairs and who has given any attention to the reform of the tariff will agree wholly or very nearly with the following statements:

1. The present tariff is confused and inconsistent with itself in many of its provisions.

2. Some of its provisions which were especially intended to promote specific domestic manufactures have been either so erroneously framed or so construed in the Treasury Department as to discriminate against the very branches of industry which they were intended to promote.

3. These badly framed or badly administered provisions of the tariff acts promote undervaluation, evasions of duty, and fraud; but their worst effect is to discourage honest manufacturers and merchants alike by the uncertainty which they cause as to the future course of trade, as well as by the opportunities which they give both to dishonest employers, importers, and unscrupulous manufacturers to evade the laws.

I may venture to relate a little story of how tariffs are made and unmade. It is one of many incidents which made me a free-trader in principle.

I found an apparent inequality in the tariff act many years since, adversely affecting a branch of industry in which I had invested a few thousand dollars. I framed an amendment and sent it to a prominent Congressman from Massachusetts, who was on the Committee of Ways and Means, explaining the reasons why it should be adopted. No hearings were given, and it seemed to be so fair, as I also thought it was, that it was adopted and went into the tariff with some other amendments. In it I used the technical word "hank." That Congress dissolved presently, on the 4th of March. A few days later, the principal appraiser of the Boston custom-house called upon me and put to me the question, "What is a hank?" I told him it was a skein of cotton yarn eight hundred forty yards long; adding, "Why do you ask?" "Because," said he, "some damned fool has put a duty in the tariff by the hank, and, if we can't get around it, an established and important branch of domestic industry will be ruined." I asked for an explanation; and upon the development of the facts, I said, "Well, you used the right term, and I am the man." Then said the appraiser, "You must see if there is no way to get around your amendment." I studied the matter carefully, and invented a way for avoiding or evading my own act. The threatened industry was saved, but I lost my little investment, as I deserved to, for putting my money into a business which I did not understand.

But this was not the end. Matters went on smoothly for two or three years, when there was a change of appraisers. The new man contested my construction of my own amendment, and undertook to enforce the law in accordance with the real intention. An appeal was taken to the Secretary of the Treasury. By good luck at that time I happened to call upon the collector; he, knowing my familiarity with the art, but knowing nothing of my previous connection with the act, nominated me as merchant appraiser to decide the case on its merits. I, of course, sustained the practice of the first appraiser who had consulted me, and again the threatened industry was saved; by sustaining my own opinion of my own act, justice was done.

This is but one of many incidents which many men could relate; it is but an example of many great wrongs which have been done that have never been righted. I have stated the conditions which render important changes in our tariff acts an absolute necessity. It is probable that all intelligent manufacturers and merchants, and all legislators except those who are bound by mere party ties in considering these changes, would agree upon the following propositions:

a. In the preparation of measures for collecting duties upon imports, such discrimination ought to be used as will most fully promote domestic industry and protect American labor from injury.

b. In framing such tariff measures, discrimination ought to be used so as to develop the home market for domestic products to the utmost, so far as this can be done by the exercise of judgment in framing tariff acts.

c. It is neither lawful nor expedient to impose duties upon imports without exercising such discrimination in the choice of subjects of taxation as will most fully promote the public interest, irrespective of private gain.

d. It is neither lawful nor expedient to frame measures for the collection of revenue from duties on imports for the purpose of raising or permanently maintaining the price of any given article above what it would otherwise be, except under the necessity of taxing such article for purposes of revenue only.

e. It is neither lawful nor expedient to put either a duty or a tax upon any crude or partly manufactured article which is necessary in the processes of domestic industry, by which large numbers of persons may be burdened, even if the interests of a lesser number might be for a time promoted.

If such are the conditions which we are now called upon to meet and if such are the lines on which we are to work, then manifestly the first consideration must be given to sorting and classifying articles which are or may be imported, with a view to their use rather than with a view to the question whether or not they may be produced in this country. On the other hand, it must be admitted that there may have been some branches of industry which have been promoted by high duties and which may have been developed a little more rapidly than they would otherwise have been, under a high tariff, at the cost of the consumers for the time being. How shall they be treated?

It may be held that the position which has been assumed by most of the advocates of the protective system—I mean protectionists, according to the common acceptance of the meaning of that term—has been mainly due to the former misconception in regard to the source of wages, which was held even down to the time of Mill, and by him until a late period in his own life and work, to wit, a conception that wages are derived from a fund previously accumulated, and therefore from a "wage fund" which might be to some extent under the control of capitalists, by whom it should be administered, either in our direction or in another, at their own choice. This mistaken conception of the source of wages leads to the further misconception that we must make work or provide work for a multitude, arbitrarily or willfully directing the force of capital in one way or another. What we really desire to do, what we really seek to attain, is that which is the purpose of all science and invention; not to make work, but to save work; to diminish the effort which is necessary to procure subsistence, shelter, and clothing, thereby increasing abundance. When we do that, it becomes necessary that there should be the widest possible and the freest possible exchange of services, or an exchange of product for product, of service for service, of product for service, or of service for product, in order that those who are displaced from one kind of work by the application of science and invention may be most ready, able, and competent to take up some other kind of work less arduous, less exhausting, and more conducive to human welfare.

What is the object of exchange? How few people ever ask themselves that question! If each one of us did not save himself by exchange from some part of the necessary work required to sustain life, there would be no exchange: each one of us, and every other man, would live and work for himself alone. All this is elementary. It becomes perfectly clear when considered as between man and man. Does not the same rule govern the commerce of nations? What is the commerce of nations except the sum of the exchanges between man and man? Unless each nation gains by the exchange, does not the trade stop? If both gain by the exchange, does it not hurt both to stop it by legislation? By obstructing exchange we may make work where we might save it; but that nation loses most from such obstructions in which the greatest abundance of product is attained at the least cost of labor and at the highest rates of wages. If there were such a thing in the world as pauper labor, that nation which exchanged the greatest amount of the product of skilled labor for the greatest amount of the product of pauper labor would save itself the most work. Daniel Webster once said, when in his prime, "The people of this country can not afford to do for themselves what they can hire foreign paupers to do as well for them." This is true not only in respect to the price of labor, but to the kind and quality of the work which is to be done.

There are many branches of industry from which science has not yet removed the noxious or bad conditions of the work. Dipping sheets of iron or steel which have been treated with acid into melted tin for conversion into tin plates is one of the arts which it would be most undesirable to introduce into this country until, by way of science and invention, its noxious conditions have been removed; then it will come here itself; the conditions will then be equalized; we can then afford to take up what it would now be injudicious for us to undertake.

When we consider the obstructive and injurious effect of many of our taxes, light although they may be in money, we find that they are a heavier burden than those of almost any other nation except Russia, Turkey, and Spain.

They have not increased the profits in the arts which were intended to be promoted by their imposition, except for short or variable periods; they have reduced wages in the protected branches of industry below those which are attained in occupations which can not be subjected to foreign competition, while they have kept the prices of most important materials, which are necessary in the processes of domestic industry, far above those of our competitors, promoting their prosperity and retarding our own progress.

Yet our enormous advantages in most of the conditions which are conducive to human welfare are such that we thrive. Our bad methods of taxation are like a pebble in the shoe of a runner, keeping him painfully in the second place, when if relieved he could lead the field without an effort.

It is due to these favorable conditions that the paradoxical form of statement represents an absolute truth, namely, that our high rates of wages are due to our very low cost of general production.

This leads us directly to the consideration of the conditions of production, especially in the manufacturing arts, from which our ample profits or high wages are or may be derived, if our moderate taxes are rightly adjusted to our conditions. We possess so great an advantage in our position and in our control of the production of metals, of fibers, and of food products, that there can, of course, be no equalization of wages in this country with those of others, because we could only equalize by reducing our own. The tendency of all the forces in action, when not artificially obstructed, is to raise the rate of wages, to diminish the margin of profits, and to equalize the conditions of working people to their great advantage. If we must wait for the equalization of wages to those of other countries, as is so often urged, before undertaking tariff reform, we may wait forever. It is our very advantage in high rates of wages and low cost of production which might enable us to proceed earnestly, safely, and surely to absolute free trade within less than a generation, and to adopt that policy for the very purpose, not of equalizing, but of maintaining our huge advantage over every other nation.

One may sometimes feel humiliated when one sees men of skill, capital, and ability trembling before the competition of what they call pauper labor. Every man of affairs, every manufacturer, every employer of labor, avoids low-priced or pauper labor in his own work as much as possible; he knows that it is costly; he knows that, when he can command skilled labor at the highest price which is warranted by the market for the product, he will do his work with that kind of labor at the least cost. When it becomes necessary to run works on short time and to discharge a part of the workmen, who are the ones discharged! Not the high-priced men; they can not be spared; it is the high-priced men whose work is not affected by hard times. Every man makes his own rate of wages by his skill, aptitude, and industry; and those who do the work in the best manner get constant employment. The incapable are sometimes subject to compulsory idleness.

ness. In the factories I have known cases where all the looms were watched, and every weaver who did not reach a certain standard in her earnings was discharged because the mill could not afford to have poor weavers employed in it.

Yet, although we possess so many advantages within the limits of our own domain, there are some parts of the world which hold an advantage over us, especially in the production of some of the crude materials which are necessary in the processes of domestic industry. There are also many arts from which science has not yet removed the noxious conditions or the excessive labor. These arts we had better not undertake so long as we can buy their product with the excess of our crops of grain and cotton.

Again, there are some sections of this country which could be more adequately supplied with crude materials from Canada than they can be from Pennsylvania; New England, for instance, in respect to iron and coal. Our members of Congress sustain the policy which deprives us of the vast deposits of iron, coal, and even of other materials, which are lying unused in the maritime provinces. They tax the wool of Australia and South America; they propose to double the tax on tin plates; and they endeavor to promote the manufacture of burlaps and other coarse fabrics made of jute within our own limits.

The question of crude materials I have treated. The noxious conditions under which tin plates are made, I have referred to. The making of burlaps as it is now conducted in Dundee is one of the least desirable occupations that human beings can be called upon to follow; until it has been improved, we had better buy our burlaps with cotton than try to make them ourselves.

Even the finest fabrics which are suitable for taxation for revenue, such as Brussels laces and the like, are made by hand at the lowest wages and under the most squalid conditions of life. The finest silks must be woven by hand, because the silk-worm does not spin his thread so evenly as to make it possible to weave it on the positive power-loom. In fact, in respect to many of these finer articles, which are perfectly suitable subjects for a tariff for revenue rather than for protection, there are elements to which no attention has been given; they specialize themselves even according to heredity or to peculiar conditions. The finest cotton yarns are spun in England, sent to France to be woven, sometimes transferred to Germany to be dyed, and brought back to England to be sold. Some of the finest linens are made by growing the flax in one place, spinning it in another, and weaving it in another, all far apart. We can not force the manufacture of flax in this country until we have a great surplus of population which shall be compelled to do the work which the Irish, the Belgians, and the French are now forced to do for us even at the lowest wages. The preparation of the fine flax by rotting is noxious, and can only be worked at the lowest possible rates of wages paid for mere manual labor. We can better afford to raise flax for the seed and burn the stalks rather than to force American labor into un-American lines of work, in the preparation of the fiber by the existing noxious methods.

All these matters must be considered, and when considered they prove how futile, how impossible it is for a Congress composed of men who have little or no knowledge of the practical affairs of life, to attempt to regulate prices and wages, directly or indirectly, by the enactment of revenue acts.

I have named several articles which are necessary in the processes of our domestic industry in which some other countries possess an advantage over us, such as tin-plates, burlaps, and the treatment of flax. These advantages exist especially in respect to crude materials to which machinery has not yet been applied to any great extent; and of manufacturing processes in which the greater part of the work is done by hand. In hand-work the rate of wages may be, and often is, a fair standard of the cost of production. Hand-work here and elsewhere in that which earns least and can not be protected by any system of taxation of any kind.

We annually import, free of duty, \$120,000,000 worth of articles of food, and \$140,000,000 worth of crude or partly manufactured articles which are made two of in our domestic manufactures, because we can not yet afford to do the work which would be required in the production of these articles, since our own workmen can do so much better than to undertake the kind of work required.

But we also annually import, aside from sugar and molasses, \$40,000,000 worth of the most necessary articles of food, and \$130,000,000 worth of articles in a crude or partly manufactured condition which are absolutely necessary in the processes of our domestic industry, on which we impose duties or taxes amounting to about \$50,000,000 a year. To that extent our workmen are placed at a disadvantage as compared with the workmen of other manufacturing countries in which most of these articles are admitted free.

The saving of this tax of about \$50,000,000 a year would be but a very small matter were it not for the effect of this tax on foreign imports on the prices of many domestic products. Out of the \$50,000,000 a year which has been collected on crude materials, about \$1,000,000 has been gained to the Government from duties on iron ore and pig-iron. An addition of 25 cents on each barrel of beer now produced would yield the same amount of revenue. If it were assessed upon the beer, the entire tax that the people pay would be secured by the Government, and the exact cost would be \$4,000,000 revenue, with 3 per cent. for the cost of collection by means of stamps.

Now, what has been the effect of the tax of \$1,000,000 on the price of iron and steel in this country? Various computations have been made, the latest by Mr. A. B. Farquhar, of York, Pa., the largest exporter of agricultural machinery in this country, and perhaps one of the largest manufacturers of agricultural machinery in the world. He computes the actual difference in cost of iron and steel to the consumers in this country during the last ten years at about \$700,000,000, or \$70,000,000 a year. David A. Wells, making very large corrections for contingencies, estimates the difference in the cost of these metals to the consumers of this country, as compared to the consumers of Great Britain, at \$500,000,000 for ten years, giving a little different period of time. My own computations, which have been made with the utmost care and which are based wholly upon the figures given by the Iron and Steel Association of this country and of the Iron and Steel Institute of Great Britain, make the excess of price paid for iron and steel in this country as compared to others, in the years 1880 to 1889, inclusive, not less than \$500,000,000, and probably \$800,000,000.

I may add that the effect of the tariff upon iron and steel has been much greater than in respect to other articles. This country now consumes 35 to 40 per cent. of the entire product of iron made in the civilized world. Our consumption at the present time is greater than the largest product of Great Britain in any year. No other country could possibly supply us. No other country could have supplied us for many years. But by the partial obstruction to our demand upon Great Britain and Germany, due to our own tariff, the price of iron and steel in Europe has been very greatly depressed. The tendency throughout the world has been to a rapid reduction both in cost and in the price of these metals, due to the application of revolutionary inventions. But the reduction in price in gold has been much greater in Great Britain than it has been in this country; consequently, by our own act we have protected the ship-builders, the machinists, and the tool-makers of other countries, while preventing the extension of these arts in our own country, even failing to retain our home market.

We import a considerable proportion of the products of iron and steel that we consume, sometimes in the form of railway bars, yet more in the form of hardware, tools, and machinery. A first-class textile factory can not be equipped in this country without resort to the machine-shops of Great Britain for a very considerable part of the most necessary machinery.

Again, the burden of a tax upon crude materials is to be gauged, not by its ratio to the value of the product into which it might enter and does enter as a component material, but in ratio both to wages and profits in the arts in which it is needed. If we artificially raise the cost of materials and are unable to control the price of the product into which these materials enter, then it often happens that

we must keep the wages down in corresponding measure, or else give up the undertaking; and again, a yet more subtle difficulty: if we can not make a profit over and above the cost of materials, the wages, and the general expenses, then no capital will be invested in that branch of industry, and no wages can be paid, for lack of profit.

Now, observe how subtle this matter is. Any conspicuous or important branch of industry which will pay 10 per cent. profit will attract capital and will be established; but if the tax on the crude material is even 10 per cent. upon the finished product, and this tax can not be paid without doing away with the profit, then that art stops, and the other 90 per cent. which would be distributed among the workmen is lost to them, merely because there is a disadvantage of 10 per cent. in the cost of the material as compared to some other places.

Now, then, any one who is conversant with the complexity of all modern manufactures can not fail to be aware that the revenue which the Government derives of \$50,000,000 on the crude or partly manufactured materials which we do import and which we do use in the processes of our domestic industry may so much restrict that industry by increasing our own cost of production as to limit our home market both for domestic and foreign traffic, and may prevent the establishment of arts in which ten times as much, or \$500,000,000, might be distributed among those who would do the work if these articles were free from taxation.

This is the consequence of the higher price of domestic products in this country or the lower price which prevails abroad for lack of competition.

The very worst effect of a duty on crude materials ensues when, according to its advocates, it is most successful. They hold that if, by our tax, the price is put down in a foreign country, then the foreigner pays the tax. There are no words suitable to apply to such folly. By that very depression in the price of pig-iron and wool we have built up the manufactures and machine-shops of Europe, and have failed more and more to hold our home market even for the specific products of the loom and the forge.

Moreover, the price of some of the most necessary articles of our domestic products which enter into our domestic industry, not ably iron and steel, are maintained far above what the price would be except for this system of taxation, although not perhaps to the full measure of the rate of duty which is assessed. Hence it follows that, owing to this higher price on the most necessary articles of consumption in the manufacturing and mechanic arts, we have been unable even to retain our home market for domestic manufactures, and have been cut off from any considerable share in the supply of other countries.

In a rough and ready way it may be said that the cost of materials in all the staple products of machinery or in manufactured goods ranges from one-half to three-quarters the entire cost of the finished product. If the price of these materials is kept even 10 per cent. higher in this country than it is in others, then of course all profit may be cut off by that disparity, and in spite of vain attempts to put on compensating duties that art languishes and we protect the foreigner rather than the American.

It will be remembered that no heavy stocks of food, fiber, or fabrics are now carried anywhere in the world beyond the probable consumption of a single year or less. Hence it follows that, in respect to the import of materials which enter into the processes of our own work, whatever the price may be in any given year, whether high or low, if through our high tariff the consumers are subjected to a higher price than our competitors abroad, our industry languishes and foreign industry is protected.

I have said that there are two parties each earnestly claiming to promote domestic industry. On the one side we find the Republican party advocating privation of foreign imports, without regard to the uses for which such articles are required, in order to protect the few specific branches of industry in which we do not yet excel other nations. On the other side we find the Democratic party advocating the protection of the domestic industry of all alike, by exempting from taxation every article which is necessary in the processes of domestic industry that we can procure in any other country in exchange for the excess of our cotton, corn, wheat, and other commodities, which, even at the highest wages obtained anywhere in the world, are yet produced at the lowest cost.

Such is the position of the question on which every voter will be called to decide in exerting his influence and in choosing whom he will support.

Such were the exact conditions in Great Britain in 1840, only worse, because the natural resources of Great Britain, both in respect to agriculture and mining, are so much less than our own.

The first measures of relief from taxation in Great Britain were practically instituted by Huskisson in 1824, when wool and some other crude materials were in part or wholly relieved from duties. The effect of this change, especially upon the product of domestic wool in Great Britain, was very beneficial; relief from duty gave the manufacturers of Great Britain the opportunity to buy all the wool which they would require for any kind of work, and the consequence was that the demand for British wool increased, and did not diminish, as the farmers feared. These measures of Huskisson, however, were purely tentative; and, subsequent to 1824, there was a great financial struggle in the process of restoring specie payment in the Bank of England, and in the bringing about conditions consistent with peace. The great Napoleonic wars in the early part of the century had thrown every art and industry out of its true relation. But the method of reform was not forced upon the attention of the people of Great Britain until the disastrous results of the attempt to regulate prices and wages by way of a high tariff, and the failure of this method of promoting domestic industry and of developing a home market had culminated in 1840.

In every history of this time, the picture of the condition of Great Britain is one of the most painful suffering on the part of most of the working-people. The land was held in the hands of a very few great landholders who were protected by the corn laws, and who were thus enabled to charge high prices for necessary food. Great wealth had been accumulating during the period of war in the development of mines, works, and factories. Individual wealth existed in a measure never before witnessed; and this condition misled many legislators in this country; it deceived the very elect, and doubtless led Henry Clay and other champions of a high tariff to advocate the very policy which Great Britain was then being forced to give up by the disastrous results which had ensued. Underneath this outside show of prosperity poverty, destitution, and want existed on every side; pauperism existed as never before or since among any English-speaking people.

At the time when Sir Robert Peel took office in 1840 it was clearly proved that the very measures which had been enacted for the purpose of establishing a home market and building up domestic manufactures "had destroyed that market by reducing the great mass of the population to beggary, destitution, and want." I quote the exact words of a contemporary observer.

Those who choose to discriminate between the leaders of the two parties of the present time may read the perversion of English history by James G. Halne, in the North American Review; and the true picture which is given by General M. M. Trumbull.

It would be well worth while for any one who may have been misled by the common errors about the influences which brought Great Britain to reverse her policy in 1842 to read up the economic history of that period. It can be done in a very few days. All the facts are given by the radical Miss Martineau in her History of Fifty Years' Peace; by the Tory Sir Stafford Northcote, in his Twenty Years' Financial Policy, explaining the changes which Peel brought about; by the economist John Noble's Fiscal Legislation in Great Britain, or in Carlyle's Past and Present. The best summary is to be found in the little book Lesson of the Free-Trade Struggle in England. In this book will be found the whole record of the condition of England from 1833 to 1846, after the panic of 1836, which orig-

inated in this country and spread to Great Britain, had spent its force, down to the culmination in 1846 of the measures which Peel instituted, but which were substantially completed by Gladstone in 1853. This history ought to be read by every man who desires to make up his mind how to act in this country at the present time. The logic of events is the same. We are repeating history. We are suffering, so far as it is in the power of legislators to stop the progress of this country, from injudicious methods of obstruction; and we may make progress in agriculture and in manufactures by "great leaps and bounds," as Gladstone put it, whenever we choose to adopt the policy which will soon be brought into action, whether we will or no, by the logic of necessity.

The basis of Peel's tariff reform in England was established by Joseph Hume, who, being appointed chairman of the committee in the House of Parliament, made a report on the tariff of Great Britain, which then covered about 1,250 specific articles at an average rate of about 28 per cent. on dutiable imports. In this report he first sorted imports, according to their use, under four heads:

Crude materials.

Partly manufactured materials.

Manufactured goods.

Articles of the nature of a luxury, like wines and tobacco.

It was a case of condition and not of theory which Sir Robert Peel was called upon to meet when he took office. He met that condition by discriminating in choosing the subjects of taxation in the tariff which he presented, placing in the free-list all the little petty taxes or duties, on which an agreement was readily made, and then either making free partly manufactured goods or greatly abating duties upon them, at the same time reducing the duties on finished products except those of the fourth class, namely, those of the nature of a luxury or voluntary use.

I had become so much impressed and influenced by the success of this method that during the last few months of the administration of Secretary Hugh McCulloch I suggested to him to class the imports of this country in a way corresponding to Hume's method. I gave him my reasons somewhat in this way, that in whatever manner, by whatever party, under whatever name, the reform of our tariff should at a future day be taken up it would of necessity be governed by the logic of the lines or classes on which these imports might then be sorted. The suggestion was adopted. I made five classes, and since that date the fiscal statement of each year has been tabulated in that way.

I venture to incorporate at this point the statement of the imports under each of the heads named, with the duties thereon. I take these figures from the last report of the Bureau of Statistics of the Treasurer of the United States for the fiscal year ending June 30, 1889.

IMPORTS ENTERED FOR CONSUMPTION.

"Imports of merchandise subdivided into groups or classes according to degree of manufacture and uses.

"In the following tables the extended classification for imports entered for consumption, embracing over a thousand articles and classes of articles, which is mainly an alphabetical arrangement with two grand subdivisions of free and dutiable articles, has been subdivided into the five following general groups or classes,

according to the degree of manufacture and uses of the articles imported. It is hoped that the condensation of imports into these groups will in some measure aid and simplify the labors of those engaged in investigating the operations of our tariff laws.

"For more extended explanation of this classification, see report of this office on Imported Merchandise entered for Consumption, 1887, page xxiv, etc.

"CLASS A.—Articles of food, and animals.

"CLASS B.—Articles in a crude condition, which enter into various processes of domestic industry.

"CLASS C.—Articles wholly or partially manufactured, for use as materials in the manufactures and mechanic arts.

"CLASS D.—Manufactured articles, ready for consumption.

"CLASS E.—Articles of voluntary use, luxuries, etc.

"The value of imported merchandise entered for consumption in the United States, with the amount of duty collected thereon added, for the year ending June 30, 1889, has been as follows:

Classes.	Values.	Per cent. of total value.	Duty collected.	Per cent. of total duty.	Total value and duty.
(A) Articles of food, and animals.....	\$240,666,693	32.45	\$66,568,932	30.44	\$307,235,625
(B) Articles in a crude condition which enter into the various processes of domestic industry.....	172,134,716	23.22	15,363,625	7.02	187,498,341
(C) Articles wholly or partially manufactured, for use as materials in the manufactures and mechanic arts.....	84,354,509	11.38	22,195,695	10.15	106,550,204
(D) Articles manufactured, ready for consumption.....	147,506,641	19.91	68,683,765	31.40	216,190,406
(E) Articles of voluntary use, luxuries, etc.....	96,678,839	13.04	45,890,357	20.99	142,569,196
Total.....	741,431,398	100.00	218,701,774	100.00	960,133,172

"This table does not show the cost of the imports landed in our ports. There are not included in the values of articles the cost of coverings, commissions, etc., excluded from the dutiable value by the act of March 3, 1883; nor freight charges from the country of importation, and undervaluations, the aggregate amount of which can not be estimated with any approximation to accuracy.

Imports entered for consumption during the year ending June 30, 1889, with accompanying diagram, showing the relative values of the respective classes of free and dutiable imports, and the relation of the duty collected on each class to its value.

Classes.	Value.	Per cent. of total.	Diagram. [Scale: 1 inch=\$100,000,000.]
FREE OF DUTY.			
(A) Articles of food, and animals.....	\$119,403,491	46.54	_____
(B) Articles in a crude condition which enter into the various processes of domestic industry.....	110,706,889	43.13	_____
(C) Articles wholly or partially manufactured, for use as materials in the manufactures and mechanic arts.....	12,494,105	4.87	_____
(D) Articles manufactured, ready for consumption.....	9,820,801	3.83	_____
(E) Articles of voluntary use, luxuries, etc.....	4,149,350	1.61	_____
Total.....	256,574,630	100.00	_____
DUTIABLE.			
(A) Articles of food, and animals.....	121,263,202	25.01	_____
(B) Articles in a crude condition which enter into the various processes of domestic industry.....	61,427,838	12.67	_____
(C) Articles wholly or partially manufactured, for use as materials in the manufactures and mechanic arts.....	71,860,404	14.82	_____
(D) Articles manufactured ready for consumption.....	137,775,840	28.42	_____
(E) Articles of voluntary use, luxuries, etc.....	92,529,489	19.08	_____
Total.....	484,856,768	100.00	_____
DUTIABLE.			
(A) Articles of food, and animals.....	Duty collected. \$66,568,932	20.44	_____
(B) Articles in a crude condition which enter into the various processes of domestic industry.....	15,363,625	7.02	_____
(C) Articles wholly or partially manufactured, for use as materials in the manufactures and mechanic arts.....	22,195,695	10.15	_____
(D) Articles manufactured, ready for consumption.....	68,683,765	31.40	_____
(E) Articles of voluntary use, luxuries, etc.....	45,890,357	20.99	_____
Total.....	218,701,774	100.00	_____

Summary of values of imported merchandise entered for consumption, by groups, according to degree of manufactures and uses, from 1880 to 1889.

Groups.	Year ending June 30—	Value of—		Total.	Duty.	Ad valorem rate on dutiable.	Per cent. of total duty.	Per cent. of total value.
		Free of duty.	Dutiable.					
(A) Articles of food, and animals.....	1880	\$30,637,062	\$108,528,901	\$139,165,963	\$52,305,551	48.19	28.67	31.72
	1881	30,372,067	125,064,270	216,356,337	54,748,703	46.63	28.35	32.25
	1882	33,244,581	147,876,026	230,121,507	63,325,106	42.62	29.37	32.13
	1883	78,565,246	135,834,124	214,399,370	58,556,183	49.11	27.93	30.59
	1884	92,589,286	132,156,969	224,746,255	59,135,172	44.75	31.15	33.66
	1885	86,530,891	107,706,369	194,237,260	61,685,247	57.28	34.75	33.32
	1886	83,752,303	112,453,025	196,205,328	61,064,714	54.57	32.42	31.38
	1887	90,183,773	112,273,076	211,456,849	67,968,384	60.57	32.07	30.94
	1888	104,291,336	115,114,040	219,405,376	64,383,790	56.00	30.16	30.89
	1889	119,403,491	121,283,202	240,686,693	69,508,932	54.90	30.44	30.89
(B) Articles in a crude condition which enter into the various processes of domestic industry.....	1880	96,980,615	63,075,281	160,055,896	20,650,123	32.74	11.32	22.45
	1881	92,570,041	56,929,006	149,499,047	17,130,700	30.09	8.85	22.88
	1882	103,045,047	61,010,729	164,055,776	18,788,424	30.89	8.71	22.91
	1883	102,844,063	46,321,172	149,165,235	12,336,129	27.93	6.17	21.29
	1884	94,039,567	44,457,174	138,496,741	11,922,748	28.82	6.28	20.75
	1885	82,507,747	37,101,595	119,609,342	9,454,989	25.48	5.33	20.64
	1886	102,438,364	41,613,658	144,052,022	12,863,115	30.91	6.83	23.64
	1887	106,289,032	50,542,060	156,831,092	10,567,903	32.66	9.23	24.28
	1888	111,806,141	56,231,508	168,037,649	15,830,839	28.16	7.42	23.59
	1889	110,706,883	61,427,833	172,134,716	15,363,625	25.01	7.02	23.22
(C) Articles wholly or partially manufactured, for use as materials in the manufactures and mechanic arts.....	1880	10,620,186	82,657,777	93,277,963	18,864,466	30.11	10.34	11.66
	1881	9,360,939	58,711,563	68,072,504	17,475,343	29.76	9.03	10.46
	1882	13,488,930	65,736,006	79,225,860	10,942,553	30.35	9.25	11.66
	1883	13,032,614	75,580,521	88,613,135	28,055,271	30.50	11.00	12.64
	1884	12,180,427	69,963,030	82,153,457	18,536,278	36.40	9.76	12.31
	1885	11,185,487	61,271,465	72,456,952	17,088,148	27.89	9.64	12.50
	1886	10,669,156	67,855,317	78,524,473	20,115,152	29.68	10.68	12.66
	1887	12,149,883	67,505,441	79,655,324	20,393,493	30.21	9.62	11.66
	1888	11,692,617	73,013,645	84,706,262	21,824,738	29.89	10.22	11.90
	1889	12,494,105	71,860,404	84,354,509	22,193,085	30.89	10.15	11.33
(D) Articles manufactured, ready for consumption.....	1880	9,131,836	120,872,785	130,004,621	56,271,500	46.55	30.85	20.72
	1881	9,134,203	135,093,610	144,227,813	63,065,284	47.19	32.80	22.17
	1882	10,621,238	147,546,470	158,167,708	70,541,612	47.81	32.72	22.08
	1883	11,116,812	151,292,078	162,408,890	71,116,388	47.01	32.92	23.17
	1884	11,035,112	123,015,786	134,050,898	58,518,730	47.57	30.82	20.68
	1885	10,617,463	108,410,164	119,027,627	52,287,336	48.26	32.54	20.54
	1886	12,446,211	118,824,644	131,270,855	55,653,853	48.90	29.54	20.19
	1887	11,565,685	124,473,106	136,038,791	61,898,369	49.73	29.19	19.50
	1888	11,438,012	133,352,873	144,790,885	67,426,549	50.56	31.58	20.33
	1889	9,820,681	137,775,840	147,596,521	58,663,785	49.89	31.40	19.91
(E) Articles of voluntary use, luxuries, etc.....	1880	778,469	64,371,367	65,149,836	34,323,490	53.32	38.82	10.38
	1881	1,120,102	71,341,106	72,461,208	36,541,032	51.23	38.68	11.14
	1882	1,322,184	83,321,935	84,644,099	43,018,973	51.63	39.95	11.62
	1883	1,354,014	84,888,404	86,242,505	43,095,728	51.89	39.98	12.51
	1884	1,429,873	86,721,276	88,151,149	41,732,067	48.12	21.68	12.30
	1885	2,041,694	72,178,227	74,219,921	38,693,830	50.94	20.69	12.81
	1886	2,204,725	78,039,611	80,244,336	38,682,532	49.58	20.53	12.83
	1887	3,895,306	89,531,039	93,426,345	42,174,328	48.74	19.89	13.22
	1888	4,874,746	90,451,708	95,326,454	44,633,836	48.70	20.63	13.58
	1889	4,149,350	92,528,489	96,677,839	45,899,357	49.60	20.29	13.94
Total.....		208,049,180	419,508,091	627,557,271	182,415,162	43.48	.....	.....
		202,567,412	448,061,587	650,628,999	193,561,011	43.30	.....	.....
		210,721,960	505,491,966	716,213,946	215,617,671	42.66	.....	.....
		206,913,280	493,916,384	700,829,673	209,659,699	42.45	.....	.....
		211,280,265	456,295,124	667,575,389	189,844,905	41.61	.....	.....
		192,912,234	386,067,820	578,980,054	177,319,550	45.86	.....	.....
		211,530,759	412,778,055	624,308,814	186,379,307	45.55	.....	.....
		223,093,659	450,325,322	673,418,981	212,032,424	47.10	.....	.....
		244,104,852	468,148,774	712,253,626	213,509,802	45.63	.....	.....
		256,574,630	484,856,768	741,431,398	216,701,774	45.13	.....	.....

Early in the Administration of President Cleveland I ventured to suggest to Assistant Secretary Fairchild to carry back this classification from the year 1884, in which it was first established, to the year 1880, so that we now have the result of ten consecutive years, 1880 to 1889, inclusive, which I now submit for consideration. I think all will agree with me that no committee of any party or under any name can fail to be governed by the logic of these lines in preparing measures of tariff reform.

II.

"We are at the parting of the ways." Any one who takes the ground that the main object which should be kept in view in placing taxes upon foreign imports may rightly be an attempt to establish any and every branch of industry, great and small, without regarding the use to which imports are to be put, and without any consideration of the temporary obstruction to other branches of industry which must follow any interference with the natural course of trade, may take his own way; he will have no further interest in this essay. Such men may separate themselves under the guidance of their chosen leaders, for such influence upon the question of taxation as they may be capable of exerting. Their position is a very plain one, and it has been rightly named by its chief exponent, the chairman of the Committee on Ways and Means, the method of "protection with incidental revenue." May it not be held that this method is inconsistent with the public welfare and that it is contrary to the very principle of law which has been established by the Supreme Court of the United States in the case of the *Loan Association vs. Topeka*?

In this case Justice Miller, on behalf of the court, stated this fundamental principle of law as follows: "To lay with one hand the power of the Government on the property of the citizen, and with the other bestow it on favored individuals to aid private undertakings and to build up private enterprises, is none the less robbery because it is done under the forms of law and is called taxation. This is not legislation; it is a decree under legislative forms." Beyond a cavil there can be no lawful tax which is not laid for a public purpose.

I think it must be clear to every unprejudiced mind that the theory of Mr. McKIMLEY, of "protection with incidental revenue," is in fact forbidden by this dictum of the Supreme Court. It can only be justified by a legal subterfuge, to wit, that a public purpose or necessity exists which justifies doing away with the revenue duty on sugar, thereby depriving the Government of all revenue from that source, and continuing to tax the people in order to pay a bounty to the sugar-planters. The bounty to sugar-planters must be justified, if justified at all, upon

the ground that public necessity requires the production of sugar within the limits of our own country, although sugar can be procured at less cost in exchange for wheat, cotton, and oil. If not so justified, the tax from which the bounty is to be "bestowed upon private individuals to aid private enterprises becomes none the less robbery because it is done under the forms of law and is called taxation."

This proposition brings the effect of this theory of protection directly into view; one may well ask why the same method should not be adopted to promote other branches of industry. It is admittedly more important that this country should make its own iron than that it should make its own sugar, and the heavy duties on iron and steel have been justified upon the ground that it is for the public interest to make this country independent of all others in the production of iron. It is now independent, whether we will or no; we are consuming 35 to 40 per cent. of the iron of the world and no other country could possibly supply us. On the plea that this branch of industry should be sustained, the consumers of iron and steel in this country have paid a sum in excess of the price paid by the consumers who have been supplied by Great Britain and Germany, ranging from \$50,000,000 to \$90,000,000 a year for the last ten years. The excess of price has not been paid over to the workmen by the owners of the mines and works; it has been bestowed upon private individuals to aid private enterprises. One has only to examine the average wages of the workmen in the iron mines and works of this country to be convinced that they are much less than the wages of those who are engaged in the conversion of crude iron and steel into machinery, tools, beams, bars, and other forms for use.

If it were proposed to remit all duties upon iron and steel, and to pay a bounty to the producers of these crude metals, equal to the excess of price which we have paid for the last ten years, would not that bring the case directly under the law as laid down by Justice Miller? If under such circumstances it would come directly under the law, why does not the case come indirectly under the law, provided a case could be made up to test the question in court? It might be difficult, as a matter of practice, to bring the case into court, but I am inclined to think that if this policy of protection with incidental revenue were to be forced into effect by the votes of a temporary majority of the Congress of the United States, a way might be found to bring this subject before the Supreme Court and to abate this evil by a decision of the court. That is the way by which many of the abuses of the taxing power have been prevented, but the remedy can be more easily applied through legislation.

The present tax upon the import of tin-plates is purely a revenue measure, because no one makes such plates in this country. The object of raising this tax to twice the rate now levied is that "a bounty may be bestowed upon private ind-

viduals in order to aid them in the private enterprise" of making tin-plates. The income of the tax has been asked for this purpose; it has been granted by the majority of the Committee on Ways and Means for this purpose; it is consistent with the so-called principle of protection with incidental revenue, and not a man who has voted for this measure in the House of Representatives can deny that, under the ruling of the Supreme Court, this method "is not legislation; it is a decree under legislative forms, and is none the less robbery because it is called taxation."

On the other hand, almost all the advocates of the theory of protection according to the principles of its founders, viz, temporary support during the period of the infancy of any art, may now be ready to join with the reasonable advocates of free trade in coming to an agreement upon a measure which would be consistent with existing conditions and also consistent with common sense. All admit, as Sir Robert Peel did, that we can not apply the absolute theory of free trade at the present time. But we can lay aside our prejudices; we can treat the whole subject in a judicial way; we can adopt a measure of tariff reform which shall lead in due season to such free trade as may be consistent with the necessity of deriving a revenue from duties upon imports, the subjects of taxation being selected with a view to the least burden upon consumers.

We may now take up the right method of bringing an agreement on method into practice and thereby giving the necessary direction to our legislators, who are all seeking for guidance among their constituents. How can we expect legislators to make good laws if their constituents do not themselves know what kind of laws they want?

When this subject is thus approached in a judicial way there are two lines of preliminary research and two sets of facts of which full cognizance must be taken:

The home market of this country rests for its development, its stability, and its profit upon the prosperity of the great mass of the consumers of this country who are working-people busily occupied for gain in all the arts of life; of whom a vast majority are "working-people" even in the narrow sense in which that term is commonly used. The census of occupations of those who are engaged in gainful pursuits is doubtless about as accurate as the enumeration of the population itself. Those who are thus occupied for gain and who do all the work of production and distribution, and who enjoy greater or less abundance in their consumption according to their larger or lesser share of the joint annual product, number one in three of the whole population, disregarding fractions.

They are listed under different heads, namely, four general classes, and a great many subclasses under each of the general heads. The proportions under the four general classes have not varied much for several decades. According to the census of 1880, the total number of all who were occupied for gain was 17,400,000 out of 50,000,000. (I will omit fractions in dealing with these figures.) A little over 23 per cent., numbering about 4,000,000, were occupied in professional and personal service. There can, of course, be no direct foreign competition with this class through the import of products. Ten and four-tenths per cent., numbering a little over 1,800,000, were occupied in trade and transportation; there can be no import of foreign products to compete with this class; it matters not to them what they move or what they may deal in. Forty-four per cent., numbering a little over 7,600,000, were occupied in agriculture as farmers and farm laborers, fruit cultivators, shepherds, and the like; and, lastly, 23 per cent., numbering a little over 3,800,000, were occupied in the manufacturing and mechanic arts and in mining. All who could or can be subjected to any change in the direction of their industry by alterations in the tariff policy of this country are substantially included in the two latter classes; that is, in agriculture and manufactures.

According to the valuation of the products of agriculture, which was carefully revised by the Department of Agriculture after the census had been taken, the total value of the product of this great body of farmers and farm laborers, numbering 7,600,000, was a little under \$4,000,000,000; that part of the product, which consisted of sugar, tobacco, hemp, flax, wool, fruits, and the like, or of any other articles which could be in any part imported from abroad, came to less than \$200,000,000—or less than 5 per cent. of the total. It follows that not exceeding 350,000 to 400,000 of all who were occupied in agriculture could be subjected to any adverse influence by changes in the tariff, even if a larger proportion of these necessary articles were imported free of duty than had been imported while subject to duty; this estimate by persons being made in ratio to the relative value of different products.

In this consideration we of course leave out the Dominion of Canada. Owing to the difference in climate and to our advantage of position, there is a considerable exchange of products of agriculture between us and our neighbors in Canada; the amounts about balance. On the whole, we supply Canada with a rather larger part of the products of agriculture than they can supply to us. But the total traffic is relatively a very small part of our commerce and may be wholly set aside, especially since the advocates both of protection and of free trade are coming together in sustaining reciprocity among the nations on the American continents, especially with Canada.

On the other hand, in 1880, 17 per cent. of the value of the product of agriculture found its home market only by sale for export to foreign countries; since then the proportion of exports has diminished; exports now range from 10 to 15 per cent. in value of the total product of agriculture, varying with the relative supply and demand. It therefore follows that there is a vastly greater proportion of farmers and farm laborers whose home market depends upon the export trade than there are of those who might possibly be harmed even if, through imports of foreign articles of like kind, the demand for their own product were reduced.

When we take up the fourth class, manufacturing and mechanic arts and mining, one's judgment may vary as to the proportion whose home market depends upon export and the proportion whose product could be in part imported from a foreign country. In a rough and ready way it may be said that about one-half the total number under this head of 3,800,000 were mechanics engaged in building trades or in other arts which can not be conducted on the factory principle, and which can not be interfered with or affected to their detriment by any import from any foreign country, but may be greatly benefited by the removal of taxes from the materials on which they work.

It is not worth while at this time to enter into the details of the classification of the other half of this number. Let it be admitted that there are about 1,900,000 to 2,000,000 people, more or less, each of whom supports two others who are occupied distinctly in the manufacturing and mechanic arts, a part of whose work may be promoted by a tariff and a part of whose work might perhaps be adversely affected by injudicious or revolutionary changes in the tariff policy of the country. The main point of this analysis is to call attention to the fact that at least 80 per cent., and probably more, of all who are occupied for gain in this country have no direct interest in the tariff question except as consumers; while the remainder, about evenly divided between producers and consumers, may be affected more or less by changes in the tariff system to their benefit, or to their injury by injudicious or revolutionary changes.

There are probably twelve to fifteen hundred thousand persons occupied mainly in agriculture, but partly in the mining, mechanic, and manufacturing arts, whose home market depends absolutely on sales for export, and about ten to twelve hundred thousand occupied mainly in manufacturing and mining, but in lesser proportion in agriculture, whose product would be in part imported if all duties on their products were abated. The reduction or abatement of duties on imports would necessarily promote exports, but how much imports would be increased or diminished can not be determined until the effect of the removal of duties on crude or partly manufactured materials shall have given our domestic manufacturers an even chance to compete with others.

If it be admitted that the number of persons who are occupied in branches of agriculture, in manufactures, and in mining, whose home market depends wholly upon sales for export to other countries, exceeds the number of those who are occupied in any branch of domestic production of which a part might be imported under other conditions, then it follows of necessity that the only effect of duties upon imports has been or is to give a different direction to domestic industry from that which it would otherwise have taken. By such a course we do not add anything to or take away anything from the work that is to be done, but we do or may diminish the value of the domestic product from which all wages and profits are alike derived, by restricting its market, thus diminishing both general wages and profits in the attempt to increase them in specific directions. If the import of foreign goods, either crude or manufactured, is obstructed, then it follows of necessity that the export of the products of the farm and of the mine is to that extent obstructed, because we buy our foreign goods in exchange for food that we can not consume, for cotton that we can not spin, and for oil that we can not burn.

"But," some one says, "if these foreign goods were manufactured at home, there would then be the same market for the product of the farm, the mine, and the forest, within the limit of our country, that now exists abroad." That view of the matter opens a very complex question. One can neither admit nor deny that position, because we have no experience to guide us. If, however, we did make the finished goods which we import into this country, the work in the factories in which they would be made would give employment to a very much less number of laborers than are engaged in the product of wheat and cotton which we now exchange for them. The home market which would be established in this artificial way would not take up anything like the quantity of products of the farm, the mine, and the forest that is now exported.

To show the absurdity of this conception, I can not do better than to quote from Mr. BUTTERWORTH's late speech. Having laid down his base-line principle with reference to the revision of the tariff, viz, that of reduction, he says: "Otherwise we should have five gentlemen, honorable and learned gentlemen, arbitrarily shuffling and disarranging, according to their own partially enlightened judgment, the more than fifty thousand industries of sixty millions of people, scattered over a vast continent, affecting directly and indirectly every home in the land, and having to do with all the nations of the earth."

Is it not a simple absurdity to expect the men whom we elect to Congress, whose capacity or whose want of capacity we all know, many of whom we would never choose to manage a single large corporation, bank, or other commercial enterprise, to be able to choose and direct the occupations of this people? Are such men as our members of Congress to be empowered to say to us, this branch of work you shall do, and that branch of work you shall not do? What an absurdity! As if the people were not more competent than any Congress that ever existed, and more capable of managing their own affairs than the average member.

Again, what could be more absurd than the bugbear which is held up to us, of a community which would be exclusively devoted to agriculture, as the penalty for doing away with protection to domestic industry? Such a community never existed upon this continent except in the slave States. There, owing to slavery, we had a community almost wholly devoted to agriculture, and this was due to the coercion of law and the attempt to direct and control the labor of a great community by statute.

The first pamphlet ever printed by the writer, on cheap cotton by free labor, was devoted to an economic review of the slave system of labor. In that and in other articles I treated the system purely from the economic standpoint; I ventured to predict the changes which would come whenever the attempt to direct the labor of the community by the force of slavery should be removed. When the economic history of the present generation shall be written, it will give a picture of the most wonderful industrial revolution that has ever been witnessed, and it will do away forever with the conception that infant industries require even temporary support from the Government.

No one can yet measure the progress which has been made in all the arts and industries which are necessary to civilized life in that great Southland. I have lately been on a hasty trip as far as New Orleans; I have witnessed the progress of white and black alike; progress upon the farm, in the field, in the great factory, in the workshop; progress in better conditions of life, in higher wages and in lower cost, in every town and city and wherever the railway has penetrated. It is a complete proof that diversity of employment establishes itself in spite of legislation and in spite of every bad form of taxation.

If you will glance over the analysis of the occupations of the people of the several States in the census of 1880, limiting your observation to those which had not been subject to the indignity of slavery, you will find that in a very short time after a State or Territory is open to settlement a certain balance of occupations establishes itself. Where the land is poor, as in New England, the larger number will be occupied in the manufacturing and mechanic arts; where the land is good, and the connection with the markets established, there may be for a time an excess in agriculture as compared with other occupations; but after the normal conditions have become established by long settlement, as in Ohio, for instance—a State midway between the great prairies of the West and the factories of the East—we find that although there is almost nothing produced in Ohio which could be imported from any foreign country, except a little wool and a little pig-iron, the two together constituting a small proportion of the product of the State and giving employment in 1880 to only 32,000 out of 1,000,000 persons then occupied for gain, rating persons in ratio to the relative value of products, the balance of occupations is about the same as that which has established itself on the average throughout the country. That average is 40 to 45 per cent. in agriculture; 10 to 11 per cent. in trade and transportation; 20 to 24 per cent. in professional and personal service; 20 to 24 per cent. in manufacturing and mechanic arts and in mining.

The error which Mr. Gladstone has made in his article in the North American Review, to which Mr. Blaine replied, is of this nature. If I read his article correctly from his standpoint, I think he holds to the mistaken idea that the conditions of this country are more especially adapted to agriculture than to the manufacturing arts. A greater mistake could not be made. We possess greater advantages in our natural conditions and resources for the establishment of the mining industry, the mechanic arts and manufacturing, than we do in agriculture; and it is only due to our own blunders that we do not take the paramount position in the world in all these arts.

On the other hand, the reply of Mr. Blaine is full of yet more gross errors; not errors of opinion, but errors in the statement of facts. A more mistaken or erroneous statement of the course of economic history, not only in Great Britain, but also in this country, could hardly have been compiled than is found in Mr. Blaine's reply to Mr. Gladstone. A complete review of these two articles remains to be written.

So much for the analysis by persons. Now, if we adopt the theory so well laid down by Sir Robert Peel, after he had become convinced of the necessity of tariff reform, that if our condition had not been changed by our long persistence in a high tariff policy we might choose the subjects from which to derive our revenue so as to interfere in the least degree either with commerce, agriculture, or manufactures, then the collection of our necessary revenue either from customs or from excise, or both, would become a very simple matter.

Let us for a moment take up this subject as a matter of theory and not of condition. Let us investigate our resources, and lay out an ideal method for collecting the national revenue wholly from articles of voluntary rather than of necessary use, exempting everything that enters into the process of domestic

industry, and taxing only those articles of which consumers may even be deprived of some part on account of the cost, and yet not be in any degree harmed or prevented from doing the most effective work of which they are capable; our object being to leave them free, so as to be able to obtain the largest annual product either by the application of the labor of the people of the country to its own resources or indirectly by devoting their labor and capital to exchanging their own products for articles of necessity which may be of foreign origin, thus securing every article of necessity at the lowest cost, whether of foreign or of domestic origin. We could then raise all the necessary revenue from spirits, wines, beer, sugar, tea, coffee, silks, the finer textile fabrics of wool and cotton, laces, embroideries, furs, and fancy goods.

In order to apply this theory to our present condition, we may take as our basis the estimates of the Secretary of the Treasury for the ensuing fiscal year; but in so doing we must bear in mind that there has scarcely been a single estimate of prospective revenue submitted by any Secretary for the last twenty-five years which has not been exceeded in result; we must also bear in mind, in considering estimates of expenditure, that the recommendations of the Secretary of the Treasury have been more apt to be cut down by Congress than to be increased. At the present time, however, when our legislators are so anxious to dispose of a surplus in order that they may not be called upon to reduce taxation, we may find an exception to this latter rule; but for the purposes of study the ordinary conditions may be applied to the present case.

I might have attempted to lay down the basis for an act for the collection of our national revenue consistently with theory; of course, our condition will not permit the immediate application of this theory in its full force on account of our present conditions. A beginning, however, may be made, and as the effects of the changes upon the progress of the country are developed the work can proceed more and more rapidly.

No one can yet venture to forecast the prosperity of this country which would ensue the moment all crude and partly manufactured materials which are necessary in the main processes of our domestic industry were made free from duties, and were therefore supplied to our domestic manufacturers on even terms with our competitors in other countries. As one can not forecast the beneficial effect of the removal of these taxes, so no one can measure the injury which has been inflicted in consequence of the higher price of iron, steel, copper, lead, and other metals, of wool, chemicals, and dye-stuffs through this long term of high-tariff obstruction.

The true change may now be readily brought about, because the masters of the art of converting ore into iron have become aware that, owing to the scarcity of the fine ores suitable for the Bessemer metal, and of coal suitable for coking in Great Britain, the paramount control of the metal industry is passing to this country; it needs only the maintenance of the prices on the other side without a reduction of our own to put us in a position of advantage for converting the crude metals into the higher forms in which ten or twenty men may be called for as compared to one in the production of pig-iron, copper, lead, and zinc. The prosperity which would ensue, as it did in Great Britain after similar changes in the tariff were made, would tend to increase the consuming power of our own people in respect to the dutiable goods from which we should still derive a constantly increasing revenue. In this way we might gain a true protection to our domestic industry and the development of our home market; we might then take the paramount position in manufacturing arts as well as in agriculture, to which we are entitled, and yet enjoy the full benefit of low prices and high wages.

I have endeavored to bring out this point very conspicuously, because many persons have looked upon those who are stigmatized as free-traders as if they advocated radical and injudicious changes in our revenue system, such as would launch us upon free trade without warning and without preparation. It is time to lay aside such prejudice with regard to those who advocate tariff reform in the direction of freer trade. I can not name a man among my associates in the study of these economic questions whose views are not substantially like my own and who is of any considerable influence or importance either as a student, economist, or legislator—not one who would not deprecate radical and revolutionary changes and who would not be guided by the most conservative ideas in the measures by which an ultimate but very profound change in our fiscal system would be brought about.

So far as one may judge by the course which has been taken in the House of Representatives and in the Senate, and by the position taken by Ex-President Cleveland, the advocates of tariff reform and reduction first declared their adhesion to this proposed method by putting wool, hemp, flax, and many other articles which are most important products in the specific States from which they have been elected at once into the free-list. May not men like the Representatives from Texas, Kentucky, Tennessee, and Arkansas, who led off in the Committee on Ways and Means in taking off the taxes from wool, hemp, and flax, well be sustained in the brave stand which they have taken and on the lines on which they have carried their constituents with them? These men have also been willing, even eager, to grant rates of duty on finished fabrics, such as might allay the fears of those who have been so long sustained by high duties that they dread any change. This is a reasonable method. The matter of importance is that we should be headed in the right direction. The time covered in the process of change may well correspond substantially with the life of the existing machinery which has been put at work at the high cost due to past and present conditions.

All the machinery in our textile factories has cost at least 50 per cent., if not 75 per cent., more than that of our competitors in England, France, and Germany, on account of the tax upon materials of which that machinery is made. The life of machinery which is used in modern manufacturing ranges from ten to twenty years, averaging perhaps fifteen years. If the relief could at once be given by a removal of the duties upon crude and partly finished materials, with very moderate reduction on the finished goods, we should probably repeat the experience of Great Britain, and we should find, as Gladstone put it, that "the road to free trade is like the road to virtue; the first step the most painful, the last step the most profitable."

The manufacturers of England were formerly so afraid of pauper labor, so called, that when the proposition for the union of Ireland with England was pending, the purport of which was of course to bring Ireland under the same tariff system as that of England, they sent memorials to Parliament in opposition to the union, on the ground that they would be ruined by the cheap labor of Ireland. Of course they were disappointed; they were not obliged to disturb or stop the factories of Lancashire and of Yorkshire or to move them across the Channel. The manufacturers of England soon found out that the low-priced labor of people verging on pauperism is the dearest and not the cheapest labor that can be offered.

I will now close this overlong treatise upon the method of tariff reform by submitting what may be called a practical budget. The figures are based upon the actual accounts of the Treasury of the United States, and upon what is hoped may be the maximum expenditure that will be warranted even by the present Congress.

First let me call attention to a few facts. Let us suppose that the civil war were ended—I mean the financial war, which will not be ended until the last dollar of debt shall have been paid and the last pension shall have fallen in. There are certain necessary annual appropriations which must be met year by year. How could we meet them with the least interference with the freely chosen pursuits of the people, and yet with due regard to the conditions in which we are? The ordinary expenses consist of, first, the cost of the civil service, legislative, judicial, consular, and the like, and the cost of the collection of revenue; second, the support of the Army and the construction of fortifications; third, the sup-

port of the Navy, without expensive appropriations for construction; fourth, the deficiency in the postal service; fifth, the interest on the public debt; sixth, the support of the Indians, and seventh, the miscellaneous expenses. The sum of these regular or normal expenditures, aside from war obligations, according to the estimates submitted by the Secretary of the Treasury for the next fiscal year, which estimates until now have been more apt to be cut down than increased by Congress, amount to less than \$200,000,000. We may set off a tax against each branch of expenditure, and the conclusion which we reach is rather singular.

Omitting fractions, the internal revenue from whiskey more than pays the cost of the civil government. The excess added to the tobacco tax more than suffices to pay the army expenses and fortifications. The Navy floats on beer, with a part of the beer tax to spare and carry forward. The income from the Indian trust funds meets the cost of the Indian Department. The miscellaneous permanent receipts of various kinds more than cover the miscellaneous permanent expenses; while the sugar tax and the revenue derived from imported liquors and tobacco cover the postal deficiency and the interest on the public debt, with \$10,000,000 to spare.

Were it not for pensions and sinking funds, our pleasant vice, with the tax on sugar added, would support the Government on a very adequate scale, not very economically administered, and with a margin for contingencies of more than \$10,000,000 to spend on rivers and harbors.

This is only one way of putting the case. It shows how easily we could cover all the normal or peace expenditures of the Government by taxing nothing but spirits, beer, tobacco, and sugar. But we are subject to war expenses and we must continue some war taxes for a term of years. We may therefore make up two accounts:

No. 1.

War expenses:

Current annual pensions, \$65,000,000; arrears, \$35,000,000.....	\$100,000,000
Interest on war debt.....	31,500,000
Sinking fund.....	48,500,000

Total war expenses..... \$180,000,000

War taxes:

Internal tax on whiskey.....	78,000,000
Internal tax on beer.....	27,000,000
Internal tax on tobacco.....	33,000,000
Duties on sugar and molasses.....	60,000,000
Elasticity in next fiscal year.....	2,000,000

Total war taxes..... 200,000,000

Excess of war revenue carried forward..... 20,000,000

No. 2.

Peace expenditures:

Civil service.....	\$66,000,000
Army and fortifications.....	37,000,000
Navy.....	25,000,000
Indians.....	6,000,000
Postal deficiency.....	7,000,000
Miscellaneous.....	21,000,000
Rivers and harbors.....	10,000,000

Total..... 173,000,000

Peace revenue on present basis:

Brought forward from the war taxes.....	20,000,000
Miscellaneous permanent receipts, omitting so-called profit on silver coinage.....	30,000,000
Customs revenue on basis of calendar year ending December 31, 1899.....	\$230,000,000
Less sugar assigned to war expenses.....	60,000,000

Total..... 220,000,000

Surplus available for reduction of taxation..... 47,000,000

On reference to the table of the revenue derived from imports, sorted according to their kind, given in the first part of this treatise, it will be found that—

Aside from sugar, necessary articles of food have been taxed annually between \$10,000,000 and..... \$12,000,000

Articles in a crude condition necessary in the processes of domestic industry, \$13,000,000 to..... 14,000,000

Articles partly manufactured which are necessary in the processes of domestic industry..... \$23,000,000

Less some duties which are imposed in order to adjust other duties to the internal taxes, etc..... 3,000,000

Total..... 20,000,000

Total..... 46,000,000

All this revenue can be spared. All these taxes are a useless burden upon domestic industry. This relief can be given within the surplus proved to exist, if this Congress does not waste the substance of the people in order to prevent a reduction of taxation.

Of course, one can not enter into details in a magazine article. Judgment would be required in abating the duties upon crude and partly manufactured materials. Under these headings there may be a very few articles which it may be necessary to move into another class, or on which duties would have to be maintained because of their close relation to finished products of a very similar kind. So long as we maintain a duty upon spool cotton, for instance, it would not be safe or judicious to remove all duties upon fine cotton thread which could be imported in the skein and reeled here. But these are all small matters of detail.

Salutary that the revenue which is now derived from spirits, tobacco, beer, and sugar, from silks, furs, and fancy goods, and from laces, embroideries, and the fine textile fabrics, which are articles of luxury rather than of utility, is so large that it would suffice to meet all the ordinary and all the extraordinary expenditures of the Government.

But there is another element to be considered. When a reform of the English tariff was laid down on these lines under the direction of Sir Robert Peel, even he could not anticipate the prosperity which would ensue from the removal of the little petty obstructions to the commerce of the globe, which had yielded only a

* Since this treatise was first prepared for submission to a private club, the dependent pension bill has been passed, which may increase the current annual obligation to \$100,000,000 a year. If common sense ruled in fiscal legislation, a duty on tea and coffee would have been imposed to meet this increased obligation. But even this new burden would not prevent the application of this budget within two or three years by the next Congress—such is the elasticity of our revenue—in spite of all the stupidities of partisan legislation.

small part of the customs revenue. He expected a deficiency in the revenue from the duties on imports in consequence of the abatement of the duties on the articles made free; and to meet this expected deficiency he carried a temporary income tax for three years, beginning in 1842 to end in 1845. But such was the stimulus given to industry, trade, and commerce with all the world, that the revenue on dutiable imports soon rose to the same amount that had been yielded before the reform. By 1845 the previous deficiency in the revenue had been surmounted and the treasury of Great Britain had a surplus to dispose of for the first time in many years.

But the lesson had been learned. Opposition to tariff reform almost ceased; in 1845 another list of articles of more importance was added to the free-list. Still it could not be conceived that the revenue would not be diminished, and the income tax was again imposed for the term of three years. But again the revenue from dutiable imports increased rapidly; again the consuming power of the people had increased with their prosperity. Then came the Irish famine. The corn laws went by the board by orders in council, afterward justified by act of Parliament. The prosperity of England went forward by leaps and bounds. And in 1853 Gladstone completed the work that Peel had begun.

We have yet to learn how to increase the public revenue by the abatement of obnoxious and obstructive taxation; even the simple system which is herein presented, under which even an excessive expenditure can be met by a very simple system of taxation, under which every necessary article in our domestic manufactures will be free could it be put in force, would be immensely disappointing, and in the same way in which Peel and his coadjutors were disappointed. The mass of the people who are the great consumers both of domestic and of foreign products would gain so much in their consuming power as to cause the revenue from dutiable imports to become greater than it had ever been before, even if we take off \$20,000,000 of taxes now derived from such foreign imports as have been named above.

Again, while the ordinary expenditures of the Government may increase with the population, the burden of interest and of pensions will soon rapidly diminish; therefore I am justified in predicting that if this policy should be adopted and continue for fifteen years or during the life of existing machinery, in which interval all our processes of manufacturing would be readily adapted to the new conditions at a diminishing cost, we might then, if we chose, relieve every article of import from foreign countries from taxation, except spirits, beer, tobacco, and sugar, and perhaps relieve sugar by substituting some other less onerous tax, as the people of Great Britain have done within a very few years.

We might come to these conditions sooner if it were expedient, provided the mass of the people could be persuaded to put a moderate duty on tea and coffee as a substitute for duties on some other commodities. This, however, can hardly be expected; the great objection to the present removal of the duty on sugar is that, once off, it would be difficult to put it on again even if the public should become convinced that they had better put a tax on sugar than on wool, hides, lumber, leather, tin-plates, salt fish, potatoes, and other articles of like kind.

Strange as it may seem, a small part of the members of the Senate and House of Representatives seem to believe that the dogma of "protection with incidental revenue" has some foundation in right and justice—notably the author of this catch-word or phrase, who has been pushed into temporary prominence as chairman of the Committee of Ways and Means by the very sincerity of his convictions.

The greater part of the support of this measure is, however, given by the misrepresentatives of their respective States, who can only be designated as political lackeys or time-servers, many of whom are known to vote against their own convictions.

It happens that most of the Representatives on the Democratic side who have not heretofore agreed with the majority of their own number upon this question have either been removed by death or by failure to be re-elected. Hence comes the necessity for a choice of parties, if this question is to be the paramount one in politics. It is a pity, even a shame, that a plain, practical business question can not be taken out from party politics to be settled on its merits. What is there that we can do to bring this about? This is a meeting of representative business men who have heretofore voted, some with one party, some with another. Some are called protectionists, some are classed as free-traders, yet all may come to a practicable agreement on practical methods of tariff reform. If that agreement could be brought into effect both here and elsewhere, to the end that every candidate for election to Congress or to the Senate of the United States, whether named Republican or Democratic, would be given to understand that his election would depend upon his giving his support to methods of tariff reform which are consistent with common sense, such as I have attempted to bring before you, we might feel perfectly sure that the average candidate on either side would hasten to get the benefit of the first conversion to these views.

In the great struggle by which personal liberty was established the men at arms know no difference between Republican and Democrat. Loyalty to the principle of liberty was the sole test by which men were justified or condemned. May we not establish the same test in the struggle for relief from the burden of obstruction and destructive taxation?

When in the fullness of time, with due preparation, with careful consideration, and with consistent regard to all existing conditions, the object may be attained which is aimed at by every intelligent protectionist, tariff reformer, and free-trader alike; when all the conditions precedent have been safely established on the lines upon which we may now enter, we may begin the next century free from slavery, free from debt, free from destructive taxation, free from the cruel burden of great standing armies and navies. Then may the people of Massachusetts and all her sister States conduct their work and serve all nations as they serve themselves, sustained and governed by the principle which is engraved upon her own great seal:

Ense petit placidam sub libertate quietem.

Mr. DUNPHY. Mr. Speaker, the people of the city of New York are opposed to the passage of the McKinley bill now under consideration. They are opposed to that kind of a revision of the tariff which increases the rate of taxation right along the line at a time when the Government is collecting millions more than are needed to economically maintain it, when the whole country is at peace, and when there is not the remotest chance of, or the smallest reason for, expecting any trouble within or without the land.

What is the real object of such changes as the bill proposes? You on the other side of the House say that the changes are meant to benefit, among others, the farmers. How are the farmers going to be benefited by this bill?

Do you benefit them by putting a tax on fresh milk imported here from a foreign country? Do you benefit them by putting a tax on hay brought here from a foreign country? Do you benefit them by taxing cabbages?

You are fooling the farmers; you are insulting their intelligence; you do not mean the bill for their benefit.

You on that side say that the proposed changes are meant to improve the condition of and to protect American workmen.

You made the war tariff, and since, in times of peace, you have gone on increasing the rates of that tariff.

Where has the workingman been benefited? Who are the persons who have been growing richer and richer under these increasing tariff rates? Who are the persons who have been getting all the benefits? The American workingman? No! He is about as poorly off as ever. Before you began to revise the tariff by increasing the rate of taxation labor was as well paid as now, but with this advantage to the laborer, he was able to purchase more with his money.

You can not and you do not benefit the workingman by lessening the purchasing power of his earnings. You can not and you do not benefit him by compelling him to pay from his earnings an increased cost on every article of clothing he and his family wear, on almost every article of food he and his family consume, and on every article of household furniture he and his family must have. This bill is not meant to benefit him, and he and you know it. In 1888 you may have frightened him with your loud cries of "Protection to American workmen," "Protection means larger wages," and such things, but he knows you now and he remembers your deceit.

For whose benefit are all these changes to be made, then?

The bill in its every line is intended for the further benefit of those whom your party has already made rich; it is intended in its every line for the further benefit of the high and great in the land; it is intended in its every line for the further benefit of those whose contributions enabled you to purchase the Presidency and to whom you promised more "protection;" it is intended in its every line for the further benefit of those to whom you are looking for "fat" to help keep your party in power. These are the persons who will be benefited, and you know it, and so intended it.

The people of the metropolis of this country, with all their tremendous business interests which you and your party have many times during this Congress shown you have no concern about, they with the people (not protected barons) of the whole country want a revision of the tariff that means a reduction that will take from them no greater share of their earnings than is fair and necessary, that will lessen the cost to them of those things that they must have and must get, that will increase or at least not decrease the purchasing power of their hard-earned money, and will prevent the accumulation here in our vaults of millions of dollars unfairly, unjustly, unnecessarily taken from them by taxation. That is what they want and that is what you refuse to give them. We, of New York City, are well aware of the little attention you give to our demands; we know we are the last persons, our city the last place, and our comforts the last things you think of. But November is approaching, and then you will hear from the metropolis in no uncertain tone.

The SPEAKER *pro tempore*. The gentleman from Tennessee has forty-six minutes remaining.

Mr. MCKINLEY. I yield now to my colleague from Ohio [Mr. MOREY].

[Mr. MOREY addressed the House. [See Appendix.]

Mr. MCKINLEY. I now yield to the gentleman from Michigan [Mr. WHEELER].

Mr. WHEELER, of Michigan. Mr. Speaker, it is somewhat amusing to me to note with what earnestness and apparent sincerity gentlemen on the other side attempt to argue their side of this great and absorbing question of the day. The gentleman from Georgia [Mr. TURNER] this morning in discussing the subject referred to the shipping industry, and made the statement that if American ship-builders were allowed to purchase their material abroad instead, of buying protected material at home, we would be able to have ships of our own upon the high seas.

Now, Mr. Speaker, common sense ought to be at the base of all discussion, and the gentleman must concede at once that ships can not be built at home under our present circumstances, even if the material were given, in competition with foreign ship-builders, because the labor question is the large item that enters into the construction of a ship, and our labor here is about 62 per cent. higher than labor of the same kind in the great ship-yards on the Clyde. Besides, there is the question of business for ships. If our iron were not protected the business of our ships on the lakes would be very materially cut into, because the iron trade furnishes a large proportion of the trade upon the inland seas. It is safe to say that one-half of the business upon the lakes is in the iron-ore trade, which, if cut off, would lessen the business of the lakes just that much and take employment from the sailors who man the ships and the carpenters and iron-workers who build them.

Another very interesting suggestion came from the gentleman from Georgia. He said that under our protective-tariff policy the ship-building of this country had gone down, and referring to the gentleman from Maine, Governor DINGLEY, he asked if it was not true that the ship-building in Maine had fallen off in the last few years owing to the protective tariff. I presume that Governor DINGLEY has become tired of answering such silly questions as this, for if the gentleman from Georgia were honest with himself he would see at once that the reason ship-building has fallen off in Maine is because the type of ships has

changed, steel being substituted for wood, and the ship-yards have naturally drifted nearer the iron and coal regions of Pennsylvania.

It is true that our shipping has been driven from the high seas, but this is because of the large subsidies that have been given by foreign Governments to our competitors since the war. But let us call the gentleman's attention for a moment to our shipping that has been protected. No country upon the face of God's green earth has a better coastwise trade than has the United States. And that is a trade that is absolutely protected, for no foreign ship can enter our coasting trade under existing law.

Naturally Americans are first-class ship-builders and sailors, proud in the art, and holding themselves second to none in mechanics.

It was my good fortune to take a hurried trip abroad during the summer that is just past, and I was humiliated in visiting the great seaports of Europe not to see one single American flag floating from the mast-head of the crowded shipping. What American in traveling abroad would not hail with delight the glorious flag of our country, over which we have fought and striven to maintain, and which has been made dear to us because of the many who have laid down their lives for it, floating from the mast-heads of ships when in foreign countries? At least, Mr. Speaker, it would give one a feeling that he was among friends.

But there is something more than sentiment back of all this. If such laws were passed as would enable us to go on the high seas and increase our shipping, the benefits to American industries would be greater than the most sanguine could imagine. There is not a single article that enters into the construction of a ship that is not manufactured in the United States; and I want to call the gentleman's attention to the vast amount of iron, steel, brass, copper, lead, rigging, all kinds of furniture, machinery, boilers, engines, etc., that enters into the construction of these ships, and remind him of the great degree of prosperity that would come to our already prosperous country which the other side is attempting to give over to European manufacturers.

No industry carries with it so great a diversity of manufactured articles as that of ship-building. And now, Mr. Speaker, the people are waiting impatiently for the Republican House, for it is to them that they must look for relief, to pass the bills already passed by the Senate, which will enable us to spread out and go out upon the high seas in competition with the world.

I wonder with what degree of satisfaction the gentlemen on the other side can hope to go before the people of the country, before the people of the coast States and of the States bordering on the Great Lakes, advocating the doctrine of free ships with the flourishing industries that have sprung up in those States on account of the protective tariff which has developed our industries and brought into requisition the large coastwise trade which we are now enjoying.

I happen to be connected incidentally with the shipping business and somewhat extensively in the ship-building business, and I want to know when they come into the Tenth district of Michigan, where something like two thousand men are employed in building ships, whether these men can be induced to vote for free ships and have free materials, wrought by foreign labor, laid down at their doors and they stand idly looking into their empty hands. I imagine they would look upon it as they did upon the picture that was drawn to them two years ago when free trade was illustrated by a cow being milked by John Bull, with thousands of American workmen carrying cabbages to her.

But, Mr. Speaker, this is only a fair sample of what we might expect, and all that we have had in all the debates upon the other side upon all the questions that are involved in this great question, and if nothing had been said but this alone, it were enough to give me confidence to go before the people of the Tenth district of Michigan to carry that district for the Republican candidate who is to succeed me. For I know whereof I speak when I say that the people of that district do not want a change from the prosperity which they now enjoy, and which they themselves know they have, because they are building for themselves homes out of the earnings that are brought to them under the protective tariff. [Applause.]

Mr. McKINLEY. I now yield two minutes to the gentleman from Minnesota [Mr. LIND].

Mr. LIND. Mr. Speaker, the gentleman from Massachusetts who spoke a few moments ago took occasion to slur the Senators from the new Western States, and I presume that his remarks applied as much to the Senator from our State as to the Senators from any Western State. He needs no defense at my hands here or elsewhere, but I want to say right here that it is unbecoming and unjust on the part of a gentleman from the East, and particularly from Massachusetts, to assail the motives of any Senator or any member of the House from those States.

Mr. MORSE. I never did anything of the sort, Mr. Speaker.

Mr. LIND. And I want to say here, Mr. Speaker, that I voted for this bill, not because I think it is just to my people, not because it was what they demanded and needed, but simply and solely to discharge a constitutional duty that rested upon the House to originate tariff legislation. I wanted to send it to that body where the glorious West can be heard, where selfishness does not rule supreme as it does in

certain quarters here. [Loud applause by Democratic members.] It went there and it came back a better bill.

Mr. MORSE and others. Oh, no.

Mr. LIND. It is a better bill than when you sent it to the Senate.

Mr. ANDREW. It could not have been worse.

Mr. LIND. I feel tempted to vote to send it there again, and would do so if my vote could have that effect. [Applause.]

[Here the hammer fell.]

Mr. McKINLEY. I now yield to the gentleman from Maine [Mr. DINGLEY].

Mr. DINGLEY. Mr. Speaker, the gentleman from New York [Mr. CUMMINGS] and other gentlemen have characterized the pending tariff as a measure calculated and even designed to destroy our foreign commerce.

These gentlemen make this unfounded charge solely because one object of the measure is to restrict importations of articles which we can and ought to produce or make in this country. They seem to forget that the proper subjects of importations into any well ordered and prosperous country are not articles which can and ought to be produced at home, but articles which can not be produced. They also forget that a country which is made prosperous by producing and making for itself whatever can be made or produced without climatic disadvantages is able to buy more of articles which it needs and can not make or produce than would otherwise be possible, and thus to make the aggregate of its foreign trade much larger than would be possible under a contrary policy.

This is the protective method of building up a foreign trade. In the line of this policy the tariff under consideration admits free of duty all articles, except luxuries, which we can not ultimately produce in this country substantially to the extent of our wants without climatic disadvantage, and imposes on all articles which we can thus produce a duty sufficient to cover the difference in cost of production or manufacture in this country and abroad, mainly arising from the higher wages here paid to labor.

The effect of this policy is to so increase our prosperity as to make it possible for our people to purchase more largely articles which we can not produce, and therefore must import. The net result is to increase our foreign trade in such a way that our prosperity is doubly promoted.

That this has been the result of the protective policy is shown by the fact that while under the Walker tariff of 1846 our foreign commerce in the decade from 1851 to 1861 averaged \$20.67 annually per inhabitant, it increased in the decade from 1871 to 1881, under the policy of protection to \$28.47 per inhabitant. In other words, our foreign commerce was nearly 50 per cent. more under the policy of protection than under the revenue-only tariff system.

NOT AN INCREASE OF TAXATION.

Gentlemen have freely charged that the McKinley tariff is a measure which will increase the burdens of the people. On the contrary, I affirm that it is a measure to diminish the burdens of the people and increase the prosperity of the country.

The protective policy proceeds on the assumption that a duty imposed upon an article which we can not produce is a tax which increases the cost of such article to the consumer to the extent of the duty; but that a protective duty imposed upon an article which we can produce here substantially to the extent of our wants is not a tax which increases the burden of the consumer.

This is due to the fact that the duty in the latter case simply secures the production or manufacture of the article here instead of abroad at the lowest cost possible with the payment of wages of labor 77 per cent. higher on the average in this country than in Europe; and this encouragement of home industries not only makes everything cost the consumer less labor or service than in any other country in the world, but also exerts a potent influence in reducing the cost of production by giving a stimulus to skill and inventive genius.

Carrying on this protective policy, the proposed tariff transfers to the free-list imports which in the last fiscal year were valued at \$109,232,080, and which paid a duty, in this case a tax on consumers, amounting to \$60,936,536. The Mills bill, so called, transferred less than \$23,000,000 to the free-list.

The effect of this large addition to the free-list is to make nearly 50 per cent. of the imports into the United States absolutely free of duty, inasmuch as on the basis of last year's imports the value of those which are to be admitted free of duty under the proposed tariff would be \$366,806,710, against \$375,624,687 dutiable.

This will give us the largest measure of "freedom of trade" ever accorded by any tariff act in this country. Indeed, prior to 1820 almost no imports were admitted free of duty. Even under the so-called "low tariff" of 1846 the imports free of duty were only 12 per cent.; under the tariff of 1883 it has been 33 per cent.; under the Mills bill, so called, the free goods would have been only 40 per cent., while under the proposed McKinley tariff nearly 50 per cent. of all our imports will be absolutely free of duty.

When it is borne in mind that the articles transferred to the free-list by the proposed tariff include such materials used by our manufacturing industries as jute, jute butts, manilla, sisal grass, nickel, and nickel

matte, and such articles of food as sugar, molasses, and dried currants, the importance of this legislation will be appreciated.

REDUCES TARIFF BURDENS.

Again, the proposed tariff not only largely reduces the revenue (estimated between \$40,000,000 and \$60,000,000), but also reduces the average rate of duty on all imports (which of course is the true measure of a tariff) from 30 per cent. ad valorem under the present law to 27 per cent. ad valorem, against 29½ per cent. proposed by the Mills bill.

In 1830 the average duty on all imports was 43½ per cent.; in 1864, under our so-called war tariff, it was 46½ per cent. The proposed reduction of the average duty on all imports to 27 per cent. shows how large has been the tariff reduction which has been made by the Republican party since the war, and is a sufficient answer to the unfounded charge that we are maintaining the war tariff.

I need not say, Mr. Speaker, that the effort of our Democratic friends to compare tariffs, ignoring entirely transfers from the dutiable to the free list, is so palpably unjust and misleading that nobody will be deceived by it. By such a method of comparison, a tariff which proposed to place everything but liquors on the free-list—leaving them alone on the dutiable-list at 80 per cent.—would be represented as having increased duties from 47 per cent. to 80 per cent.

The deceptive character of this method will be clearly seen when it is borne in mind that if the proposed tariff had left sugar on the dutiable-list at 5 per cent. instead of making it free, the average duty of the dutiable-list alone would have been only 34 per cent., against the 43 per cent. of the Mills bill.

Mr. Speaker, having considered the proposed tariff as a whole, I now desire to call attention to its details.

FREE SUGAR.

It places raw and brown sugar, No. 16 and under, and molasses on the free-list after April 1 next, and in order to retain the refining industry in this country imposes a duty of only half a cent per pound on white refined sugar, with an additional tenth of a cent on such sugar imported from a country which pays an export bounty. Inasmuch as it is desirable to make a thorough trial of the practicability of producing sugar in this country, especially from the beet, it is proposed to adopt the more inexpensive method of paying a bounty of 1½ cents on sugar polarizing less than 90 degrees, and 2 cents per pound on sugar polarizing 90 degrees and over, made from cane, sorghum, beets, or maple-sap grown in this country, which is substantially the duty imposed by the old tariff on similar sugar.

When it is borne in mind that sugar is produced in this country to only a small extent (one-eleventh of our consumption), and therefore that the present duty of 2½ cents per pound on sugar between Nos. 13 and 16, 3 cents between Nos. 16 and 20, and 3½ cents above No. 20, adds nearly the amount of the duty to the cost of so necessary an article of food, it will be seen how great a boon free sugar will be to our people. The duty collected on sugar in the last fiscal year was \$55,975,610. Adding to this the increased cost of the 275,000,000 pounds of sugar produced in this country, and the duty on sugar remitted to Hawaii, and the people of this country practically paid a tax of \$65,000,000, or \$5 for each family, on the sugar which they consumed.

The McKinley tariff will unquestionably reduce the cost of sugar 2 cents per pound below the cost under the present law and the Mills bill.

Let me repeat the comparison of the Mills bill and the McKinley tariff on sugar.

No. 16 and all brown and yellow sugar: McKinley tariff, free; Mills bill, duty of 2½ cents; old law, duty of 2½ cents.

Between 16 and 20, white sugar: McKinley tariff, one-half cent; Mills bill, 2½ cents; old tariff, 3 cents.

Above 20, loaf sugar: McKinley tariff, one-half cent; Mills bill, 2½ cents; present law, 3½ cents.

It will be observed, also, that the sugar schedule of the McKinley tariff is so arranged that the consumer, and not the sugar-refiner, will dictate the price, for the reason that the former can use brown or yellow sugars, on which there is to be no duty, or can use imported refined sugar on which there will be only half of 1 cent duty, in case the refiner charges in excess of half a cent more for granulated sugar than free brown sugar can be bought for. Inasmuch as the actual cost of refining is at least half a cent, the consumer is assured sugar at the minimum price.

In this connection it should be observed that the old tariff imposed a duty of fifty-five-hundredths of a cent and the Mills bill forty-one-hundredths of a cent more on brown and yellow sugars not higher than No. 16 than each imposed on the raw sugar polarizing 95 degrees, used by the refiner, while the McKinley tariff makes both free, thereby giving the refiner no protection on such refined sugars.

And also that the old tariff imposed a duty of eighty-hundredths of one cent and the Mills bill sixty-one-hundredths of one cent more on granulated sugar between 16 and 20 to protect the refiner of sugar, while the McKinley tariff imposes only one-half a cent more. And on loaf or crushed sugar the difference in favor of the consumer is still more.

In other words, while the old tariff imposed a duty of 2½ cents and the Mills bill 1.79 cents on unrefined sugar polarizing 95 degrees, and the former eighty-hundredths of a cent, and the latter sixty-one hun-

dredths of a cent additional on refined granulated sugars, the McKinley tariff abolishes the entire duty on unrefined sugars, and also on refined sugars up to and including No. 16, and leaves only one-half of one cent on refined granulated sugar.

Thus, as I have already stated, the McKinley tariff will after next April secure to the people of this country a reduction of about 2 cents per pound in the cost of either refined brown and yellow or granulated sugar from the price that is paid under the old tariff, or that would have been paid under the Mills bill if it had become a law.

BINDING-TWINE.

Inasmuch as much prominence has been given to binding-twine, I desire to call attention to the fact that the old tariff imposed a duty of 2½ cents per pound on this article and about 1 cent per pound on the manila and sisal-grass of which it is made, leaving 1½ cents per pound net protection to the manufacturer. The Mills bill proposed to abolish the duty on manila and sisal-grass, and make the duty on binding-twine 1½ cents, which would have given the manufacturer the same protection as the old tariff. The McKinley tariff bill, as it passed the House, also made manila and sisal-grass free and reduced the duty on binding-twine to 1½ cents.

The Senate amended the bill so as to put binding-twine on the free-list, which would have clearly destroyed every binding-twine manufactory in this country and have given foreigners the monopoly of our market at such prices as they chose to fix. Unquestionably the ultimate result of the destruction of American competition would have been that our farmers would have been compelled to pay more than ever for binding-twine, and the opening sure to come to our farmers to supply flax as the raw material for its manufacture would have been lost forever.

The McKinley tariff, as agreed upon by the conferees, imposes a duty of only seven-tenths of a cent per pound on binding-twine—less than half that imposed by the Mills bill—and my only fear is that the duty is placed so low, under the stress of the situation, as to seriously cripple the binding-twine industry in this country and prevent its development. If it should do so, I can not doubt that proper relief will be given hereafter.

CHANGES IN VARIOUS SCHEDULES.

There is so little change in the McKinley tariff from the old tariff in the chemical, earthenware, and silk schedules that I need not refer to them. Earthenware is left with the same duties as under the present law, although the effect of the administrative bill will be to slightly increase the protection by including the packages in the dutiable value.

In the glass schedule the only material change is a reclassification which corrects errors and inequalities in the old tariff, a reduction in a few articles, and a slight advance in certain kinds of window-glass and a few articles where a large increase of importations has demonstrated the inadequacy of the old duties.

Rough granite and other building stone is practically unchanged, but the duty on dressed or polished granite and other stone whose value consists of 90 per cent. of skilled labor, is increased from the old and inadequate rate of 20 per cent. to 40 per cent.

The duty on lime is increased from the old rate of 10 per cent. to 6 cents per hundred pounds, in order to meet the Canadian competition established within a few years, which would speedily destroy the lime-manufacturing industry in this country without the increase of duty proposed.

THE METAL SCHEDULE.

The metal schedule has been carefully revised, reductions made wherever practicable without injuring our own industries, and where at any point, especially in the more advanced forms of metal manufactures, the absolute necessity of increased protection in order to protect our own industries has been demonstrated, an advance has been made.

Following out this policy, the duty on copper ore has been reduced from 2½ cents per pound to one-half cent; steel rails, from \$17.92 per ton to \$13.44; structural iron, from 1½ cents per pound to nine-tenths of a cent; forgings of iron or steel, from 2½ cents to 2.3 cents; cast-iron pipe, from 1 cent per pound to nine-tenths of a cent; and nickel ore and nickel matte, which bore a high duty under the old tariff, are placed on the free-list, while the duty on nickel is reduced from 15 cents to 10 cents per pound.

No change is made in the duty on iron ore and pig-iron, or on lead ore. In the Senate a motion was suggested in debate by a Democratic Senator to place iron ore on the free-list, but Senator GORMAN, of Maryland, who acted as the Democratic leader, promptly declared that the Democratic party opposed such a proposition, as well as any proposition to place bituminous coal on the free-list. Anthracite coal has for many years been on the free-list, and continues thus in the McKinley tariff.

The duties on steel ingots and plates and other forms of such iron and steel are rearranged, without any material change of duty, all such valued at 1 cent a pound or less being made dutiable at four-tenths of a cent per pound.

Tin-plate continues dutiable at 1 cent per pound till July 1 next, after which it will bear duty at 2.2 cents per pound in order to establish in this country the manufacture of tin-plates, which are only steel

plates coated with tin, and thus, as it is believed, ultimately cheapen tin-plates.

Inasmuch as extensive deposits of tin ore have been discovered in Dakota, which it is believed can be successfully mined with proper encouragement, a duty of 4 cents per pound is to be imposed upon bar-tin after July 1, 1893, but not to be continued after July 1, 1895, unless at least 5,000 tons of bar-tin have been produced in this country in the year prior to that date. In the mean time bar and block tin continue on the free-list.

The duty on chains, saws, files, and all other manufactures of iron or other metals, except cutlery and guns, is practically unchanged from the present rate of about 45 per cent.

The duties on certain kinds of cutlery and guns are increased, in order to encourage their manufacture in this country.

LUMBER.

The only change of duties in the wood schedule is a reduction of from \$2 to \$1 per thousand on white-pine boards and a corresponding reduction on white-pine clapboards and shingles, and the imposition of a 20 per cent. duty on telegraph and telephone poles and railroad ties of cedar, on the free-list in the old tariff. There is also a provision which secures a just measurement of imported tongued-and-grooved boards, and which imposes the old duties on lumber imported from any country which charges an export duty on logs, the object being to compel Canada to remove her \$2 export duty on logs exported to the United States.

AGRICULTURAL PRODUCTS.

The duties on such agricultural products as are shipped from Canada and disastrously compete with the products of our farmers, have been largely increased. Animals will be subject to a duty of \$30 per head, and 30 per cent. when valued over \$150, instead of the 20 per cent. provided by the old tariff; cattle to a duty of \$10 per head; sheep, \$1.50; barley, 30 cents per bushel instead of 10 cents; oats, 15 cents instead of 10 cents; butter and cheese, 6 cents instead of 4 cents; beans, 40 cents instead of 12 cents; hops, 15 cents per pound instead of 8 cents; hay, \$4 per ton instead of \$2; flaxseed, 25 cents per bushel instead of 20 cents; potatoes, 25 cents per bushel instead of 15 cents; and vegetables, 45 per cent. instead of 10 per cent.

Fresh-water fish, except salmon, are practically free, although they must be caught with nets, traps, and other devices owned by Americans; but fresh fish caught in salt water, which have been coming in free for some time under a ruling of the Treasury Department, will be subject to a duty of three-fourths of a cent per pound. Smoked and dried fish are increased from one-half to three-fourths of a cent duty. These changes will materially assist our fishermen.

The duty on imported leaf and other tobacco used in the manufacture of cigars has been largely increased, partly to protect our own growers of tobacco, and partly to increase the revenue on an article of luxury.

The duties on most articles in the schedule of spirituous and malt liquors have been increased because they are articles of luxury.

COTTON MANUFACTURES.

An attempt has been made to create the impression that the duties of the cotton schedule have been largely increased, because an increase has been made in the duties of the finer grades of goods, including hosiery and underwear, of which we imported \$27,105,509 in value last year, a large proportion of which can and should be made here. On all the common grades of cotton goods, whose manufacture has been successfully established under protection, the duties have been reduced to 30 and 35 per cent. The net result is that the average duties of the cotton schedule of the McKinley tariff are slightly lower than the 40 per cent. given by the Mills bill. They are so distributed, however, that the fine goods, which we will hereafter make, receive more and the coarse goods less.

WOOL AND WOOLEN GOODS.

Mr. Speaker, no schedule of the new tariff has received more criticism than the woolen-goods schedule, because of the fact that the average ad valorem appears to be large. This arises from the fact that the duty on woolen goods covers both the specific pound duty on wool for the benefit of the farmer and the ad valorem duty on the manufactured goods to protect the manufacturer and the employes in woolen mills. The Mills bill abolished the 40 per cent. duty on wool, thus depriving the wool-grower of the benefits of protection, but left the 40 per cent. ad valorem duty on the cloth for the protection of the manufacturer. This enabled its Democratic supporters to say that they had reduced the duty on woolen cloth from 80 per cent. to 40 per cent., when the fact was that they simply deprived the farmer of his half of the protection.

The McKinley bill increases the duty on clothing wool from 10 cents to 11 cents per pound, for the benefit of the wool-grower; and as 4 pounds of greasy wool are required to make a pound of finished cloth, it provides that the duty on the imported cloth which comes into competition with similar cloth made here, shall be four times the duty on a pound of wool, which goes to the farmer in the price received for his wool, and from 35 to 50 per cent. ad valorem for the protection of the manufacturer. In unfinished goods, which require less wool, the pound duty is smaller.

The increase of duty on woolen goods made by the new tariff is required by the increase of duty on wool and the further fact that both

the compensatory and ad valorem duties on these goods were made too small in the tariff of 1883 to properly protect this industry. Unquestionably under the new tariff our woolen mills, which have suffered severely during the past few years, will rapidly revive and this important industry will be extended into portions of the country where it has had but a limited and precarious existence. The necessity of the adequate protection given the woolen industry by the new tariff will be appreciated when it is remembered that in the last fiscal year foreign woolen goods to the value of \$52,681,482, requiring over 160,000,000 pounds of wool, were imported into the United States.

Unquestionably a large proportion of these goods will hereafter be made in this country, and thus the woolen industry greatly enlarged, the demand for and price of wool improved, the home market for the products of American farms increased, and the cost of woolen goods reduced.

FLAX AND JUTE GOODS.

Heretofore the duties on most manufactures of flax have been only 35 per cent., which was insufficient to establish the industry in this country. We imported last year flax and jute goods valued at \$25,955,222, a large proportion of which can and should be made here.

The McKinley tariff for the first time adopts the policy of giving the same measure of protection to the flax industry as is given to the cotton. But inasmuch as at present we have only mills adapted to the making of coarse goods, a duty of 45 per cent. is at once given yarns and threads (which we already largely make) and a duty of 50 per cent. on all manufactures of flax containing one hundred threads or less, counting warp and filling, while all finer goods continue at 35 per cent. until January 1, 1894, when they also become dutiable at 50 per cent.

At the same time an increase of duty is given to flax in its various forms, in the expectation that this will lead our farmers to grow more flax and give attention to the preparation of the fiber for manufacture.

CONCLUSION.

Mr. Speaker, time will not admit of further reference to the details of the new tariff. It is sufficient to say in conclusion that the vociferous condemnation which it has received in Europe, in view of the fact that it will encourage the production and manufacture in this country of more than a hundred millions of goods and products now made and produced abroad and sent here to take the place of home products, affords sufficient evidence that the measure is one in the interest of American industries, American farmers, and American labor. [Prolonged applause on the Republican side.]

Mr. McMILLIN. I now yield to the gentleman from Indiana [Mr. BROOKSHIRE].

Mr. BROOKSHIRE. Mr. Speaker, in a recent address (which was published) to the people whom I have the honor to represent I said, among other things, in substance, in referring to Mr. Blaine's reciprocity scheme: Mr. Blaine sees that the agricultural people are losing their markets in all parts of the world, due to our prohibitory tariff, and he further had the sagacity to see that unless there was a change of front—a change of stage scenery—by the protectionists, the people would speedily and utterly overthrow this so-called protective policy, and so he has set about to hedge against that which seems to be the inevitable consequences of the times, and he declares that there ought to be reciprocity between this and the Latin nations south of us.

The Democrats believe in a broader policy. We believe in encouraging trade with all the nations of the earth, and finding markets for the products of our farms and shops wherever we can find them. We do not believe in a prohibitory tariff. Would reciprocity with those countries south of the United States help to any considerable extent the agricultural people of our country, who have been the greatest sufferers by this policy? I affirm that it would not.

In support of this statement I submit some facts in detail, for nothing counts with an intelligent people like facts that pertain to a matter. I hold in my hand Document No. 1302, coming from the Treasury Department. It is a summary statement of the imports and exports of the United States by the Treasury Department in its June statement.

Last year we sent cattle abroad from our farms to the value of \$31,261,000. Great Britain and Ireland bought of those cattle alone \$29,687,000 worth; and all that this statement shows of this amount that went to the southern countries was \$138,000 worth, which went to the West Indies. So less than a two hundred and twentieth part of our exports of cattle went to the foreign countries south of us.

We exported corn last year—and let me say right here, when I say "last year," I mean the year ending on the 30th day of June of this year, the Government's fiscal year—our farmers, I repeat, exported of corn \$42,658,000 worth. Of this amount \$37,842,000 worth went to Great Britain and Ireland and other countries of Europe, and but \$1,257,000 worth went to the countries south of us.

Our farmers sent abroad of their surplus wheat last year \$45,275,000 worth. Forty million seven hundred and four thousand dollars' worth went to Great Britain and Ireland and other countries of Europe, and so far as this statement shows we only sent \$50,000 worth of our wheat to the countries south of us, less than an eight-hundredth part of our exports of wheat.

Our cotton-planters sent abroad last year \$250,968,000 worth of raw cotton. Of this amount \$246,614,000 worth went to Great Britain and

Ireland and other countries of Europe, and but \$1,217,000 worth to the countries south of us.

Again, take the article of canned beef. We sent abroad last year \$6,787,000 worth. We sent to Great Britain and Ireland and the countries of Western Europe \$6,401,000 worth, and to the West Indies and South America \$27,800 worth, or about a two hundred and thirtieth part of our exports of canned beef.

Of our fresh beef exported this statement shows that we sent abroad \$12,862,000 worth, and it does not seem that any of it went to the south. The statement shows that of this sum \$12,725,000 worth went to Great Britain and Ireland alone.

Again, take the statement of beef, salted and pickled and cured. We sent abroad last year \$5,259,000 worth, and of this, \$4,226,000 worth went to the countries of the Old World, and but \$580,000 worth to the countries south of us.

There was exported of tallow last year \$5,242,000 worth. Of this amount \$4,841,000 worth went to the countries of the Old World, and when I speak of the Old World I mean Great Britain and Ireland and the other countries of Europe; and, so far as this statement shows, but \$354,000 worth went to the countries south of us—about the fifteenth part of our exports of tallow.

Bacon has always been an important item of export. We sent abroad last year of bacon \$39,149,000 worth. There went to the countries of the Old World \$37,593,000 worth, and but \$817,000 worth went to the countries south of us; but little over the fiftieth part of this important export went south.

We exported of hams last year \$7,907,000 worth. Of this amount \$7,152,000 worth went to the countries of the Old World, and but a very small amount to the countries south of us.

Again, take the export of cheese. Our exports of cheese last year amounted to \$8,591,000 worth, and of this amount \$8,332,000 worth went to the countries of the Old World, and but \$201,000 worth to the countries south of us—less than the forty-second part of our exports of cheese.

These statements I have made for the purpose of showing that our best markets are in the Old World. Our greatest purchasers of agricultural products are Great Britain and Ireland. To give the figures in round numbers, we sold to Great Britain and Ireland last year \$29,700,000 worth of cattle; \$23,156,000 worth of corn; \$31,470,000 worth of wheat; \$35,428,000 worth of wheat flour; \$148,300,000 worth of raw cotton; \$1,000,000 worth of hops; \$7,600,000 worth of refined oil; \$5,260,000 worth of canned beef; \$12,700,000 worth of fresh beef; \$3,600,000 worth of beef, salted, pickled, and cured; over \$2,400,000 worth of tallow; \$33,540,000 worth of bacon; \$6,500,000 worth of hams; \$1,000,000 worth of pork, fresh and pickled; nearly \$11,000,000 worth of lard; \$2,200,000 worth of butter; \$7,300,000 worth of cheese, and nearly \$8,000,000 worth of unmanufactured tobacco, besides a great amount of other agricultural products which I will not take time to mention.

The amount of agricultural products which was sold to Great Britain and Ireland last year will approximate \$380,000,000 worth.

Great Britain and Ireland and Western Europe practically furnish us the only markets for the great bulk of our surplus agricultural products. It seems from this Treasury statement that our annual exports of purely agricultural products to South America will not amount to perhaps \$10,000,000 worth per annum, and that our exports to the people south of us—to Mexico, the countries of Central America and Honduras, to South America, the West Indies and all the isles of the south seas adjacent to South America—will not aggregate perhaps more than \$25,000,000 to \$30,000,000 annually. So it will be safe to say, I think, that Great Britain and Ireland alone buy from ten to fifteen times as much per annum of our agricultural produce as all of the foreign countries south of us combined.

Is it any wonder, then, that Senator HISCOCK, a Republican Senator, should have stated in his late silver speech that—

South America grows more wheat than is required for her domestic consumption. Western Europe is practically the only market for all the surplus.

Not long ago Senator PLUMB, another Republican Senator, when discussing the tariff stated that the Argentine Republic exports wheat and corn; and he might also have added that Chili exports wheat. Some of the greatest flocks of sheep in the world are on the prairies and pampas of South America—especially in the Argentine Republic. This country alone has over 70,000,000 sheep. On its broad prairies are enormous herds of cattle. Cattle can there be raised for their hides and sheep for their pelts. So I contend, Mr. Speaker, in all seriousness that we will find our markets in the main for agricultural products in the overpopulated countries of Europe.

Think for a moment of the density of the population in the Old World. Germany has 225 people to the square mile. France has 200, and Belgium about 500; England and Wales have about 400; Denmark has 140, and Spain 90 to the square mile; whereas the United States has but 17, and South America, which is an agricultural country like this, is still more sparsely settled. Would reciprocity with South America increase our trade there in agricultural products? Why should this be true when those great prairies of the Argentine

Republic are being broken up and planted in wheat and corn, and when they will come with their flour and meet us upon the Isles of Cuba and Porto Rico?

You can tell what they are doing by what they buy. For instance, take agricultural implements. We sold to Great Britain, Germany, and France last year \$918,000 worth of our agricultural implements, and to the countries south of us \$1,445,000 worth. The Argentine Republic alone bought \$1,069,000 of our agricultural implements. They buy our plows, wagons, reaping and mowing machines, and, in fact, a very large amount of our agricultural machinery of all kinds. Perhaps there is no country on earth that has developed in the last few years more rapidly from an agricultural standpoint than has the Argentine Republic.

Again, this Treasury statement shows that we sold to the countries of the Old World \$719,000 worth of carriages, horse-cars, and cars for steam railroads, and to the countries south of us \$3,227,000 worth of this class of goods.

Mr. Speaker, I have the honor to represent a people largely given to agriculture, and I have therefore taken much pains to inform myself with reference to all questions affecting them. On coming here about a year ago I sought to be placed upon the Committee on Agriculture in order that I might become familiar with all those matters which affect them.

I have been fully convinced for many years that the agricultural people were the worst sufferers from this high protective policy. They pay too much for what they buy, and have their markets unjustly restricted for what they have to sell. Their wheat, which sold in 1879 in New York City for \$1.33 a bushel, sold in 1888 for 85 cents per bushel; and it is apparent that they are losing their markets in all parts of the world, and especially in the Old World, where they have had great markets in the past. Many of the countries of Europe are trying to find excuses for closing their ports and markets against our farmers. I see from this statement which I hold in my hand that we sold Germany but \$10 worth of wheat in 1889.

Suppose we go on raising this tariff wall as is proposed in this bill, laying prohibitory tariff rates, and refusing to trade in a spirit of amity with the nations of the world, will they not resent such a policy? Are they not resenting such a policy? Suppose we enter into a scheme of reciprocity with South America, to whom will the benefits accrue, if there be any benefits, in fact? I contend that reciprocity with the southern countries will not materially assist our farmers, because they will not there secure markets of much consequence for their surplus products. The people who will receive the benefits of reciprocity in the main with South America will be the manufacturers who desire raw materials. The people of South America want manufactured goods. The people of the Argentine Republic and Chili desire agricultural implements, and all of the countries of South America desire street-cars for their cities, rolling-stock for their railroads, and all manner of iron and steel goods, and they want petroleum; so that reciprocity would furnish a market for some of the output of the great Eastern manufacturers. It would furnish a good market for the goods made by Andrew Carnegie and the Standard Oil Company.

Of course I think our people should trade with the people of all nations. I think that a prohibitory tariff is unjust. I believe in so arranging our tariff schedules as to encourage trade and build up commerce. I believe in living in peace and amity with all the nations of the earth, and in treating them all alike. Suppose we have reciprocity with South America and we show to her people special favor, will not this engender animosity between this country and the nations of the Old World? Did not our fathers say we should treat all nations alike and that we should enter into entangling alliances with none? [Applause on the Democratic side.]

I think it would be better to reduce the tariff on all of the necessities of life, so as to give our agricultural people cheaper manufactured goods, cheaper materials out of which to construct their houses, and cheaper goods with which to furnish them, cheaper edible substances to go upon their tables, cheaper clothes to go upon their backs, and cheaper utensils and implements with which to work, and in turn broader and better markets. It would certainly be well to reduce tariff taxes so as to give our people cheaper manufactured goods, and thereby encourage our manufacturers to take their surplus goods and trade them to the people of South America and all other countries.

I believe in trading the iron and steel goods and such things as we produce on our farms and in our shops to the people south of us, as well as to the people of Asia, Australia, and all other countries of the Old World. Let us trade our products for the raw hides of the Argentine Republic, out of which to make our shoes, and to the people of Brazil for their coffee, and the people of Cuba for their sugar, and the people of the Philippine Islands for their manilla hemp, out of which to make our binder-twine, and to the people of Java for their coffee, and the people of South Africa and Australia for their finer grades of wool, out of which to manufacture ladies' and children's dress goods, of which we now import some \$24,000,000 worth annually, simply because we have not the wool of soft fiber, susceptible of very fine spinning, out of which to make this class of goods. Let us trade the products of our farms and shops for the raw silk produced in Southern Europe.

Mr. Blaine, in his Bar Harbor letter to Colonel Clapp of the 15th instant, says:

Giving the fullest protection to all Eastern interests, as the proposed tariff bill does, certainly no protectionist of wise forecast wishes to expose a Western interest to serious injury.

What do the "protectionists of wise forecast" know? They know that the Western people are not prosperous; that the Western people have contributed their millions to the protected establishments of the East. They further know that the arguments heretofore produced by the protectionists, to wit, that the tariff is not a tax, that a high protective tariff will give steady employment and high wages to labor, and that it will give to the farmer a perfect home market, are fallacious, and that intelligent people have discovered them to be such. They also know that the agricultural people have banded themselves together in mutual associations in order to discover the secret of their ills. The agricultural people are a very numerous part of our population. They are not blind to the fact that they have been wronged and deceived by this so-called protective policy.

Why, the "protectionist of wise forecast" knows that a new argument has to be invented. This very bill which we now have before us concedes that the tariff is a tax, because it proposes, when taking the taxes off of sugar, to lay a bounty on all the people of the United States which will put into the pockets of the sugar-growers perhaps \$7,500,000 next year. The reciprocity amendment also concedes an abandonment of the home-market theory. Mr. Blaine admits that we ought to enlarge our foreign markets for agricultural products, but he says it can be done by having reciprocity with the countries south of us.

MR. BLAINE'S RECIPROCITY SCHEME WITH THE MASK TAKEN OFF IS—WHAT?

In a word I contend that it is an effort on the part of the "protectionist of wise forecast" to continue this system of robbery upon the Western people; to take millions of their substance annually and give it to the favored class who are engaged in manufacturing under the pretense of subserving the public good. Reciprocity as here proposed is a scheme to perpetuate the life of this protective policy; but I do not think, Mr. Speaker, that the people whom I have the honor to represent will be longer deceived. [Applause on the Democratic side.]

WHO IS THE TRUE FRIEND OF THE FARMER.

Is it the man who compromises himself with the wealthy corporations and monopolies of this country, or is it the man who fights for principles and who compromises no tenet of his faith?

The agricultural and laboring people of this country petitioned for the free and unlimited coinage of silver. In every mail their petitions come, asking for the free and unlimited coinage of silver and the enlargement of the circulating medium; and what was done by this Congress? Wall street was asked what it desired and what it would concede, and Congress gave the people a silver bill which demonetizes silver, and puts it within the power of the Secretary of the Treasury to say whether we shall have a dollar of silver coined after the 1st of July, 1891; a bill which will deny to us in all human probability the right to pay any considerable part of the principal and interest on our bonded indebtedness in coined silver; a bill which continues the single gold standard and puts it within the power of the great bond-holding class of this country and of Europe to exact of us gold, and gold alone, in payment of our bonds and the interest on the same. So, Mr. Speaker, Congress has compromised away the rights of the people with reference to the great money problem at this session of Congress.

Again, what has this Congress done with reference to the forfeiture of the public domain unjustly held by railroad corporations? Through the House of Representatives in the Forty-eighth, Forty-ninth, and Fiftieth Congresses, which were Democratic, were passed bills forfeiting 54,000,000 acres of land held by great railroad corporations of the West, and, of this, 34,000,000 acres were held by the Northern Pacific Railroad. This Congress has passed a bill, at the instance and request, as I am informed, of the great Northern Pacific Railroad Company, to forfeit only 2,000,000 acres of the 34,000,000 acres to which I have referred, and the 2,000,000 acres forfeited is the poorest part of the land upon the road. These great corporations requested this land forfeited because it would confirm in them forever the right to the 32,000,000 acres, and would settle their title. So this Congress has bowed down low and in obedience to the great corporation, who own the great railroads of the West, and again has compromised away the rights and the property of the landless poor.

Sir, the people come petitioning, asking to have the tariff reduced upon the necessities of life, and what does this Congress give them? A bill which increases their taxes as no other bill has ever increased them; a bill that discriminates against the poor as no other bill has ever done; a bill that increases the burdens upon the poor as no other bill has ever increased them; a bill, to use the language of Mr. Blaine, which "gives the fullest protection to all Eastern interests," when those interests have received the fullest protection for the past thirty years, and yet the people are asked to have this system continued simply because it is contended by the "protectionist of wise forecast" that reciprocity will give relief.

In conclusion, let me say that I think the true friends of the agriculturist and the laboring man are the men who are in favor of the free and unlimited coinage of silver and the enlargement of the circulating

medium in a manner to meet the demands of business and of commerce; the men who are in favor of reducing taxes upon all the necessities of life used by the common people, who are in favor of so revising the tariff as to lay its burdens more upon the rich and less upon the poor; the men who are in favor of laying a graduated income tax upon the wealth of the rich, and who are in favor of restoring to the landless poor every acre of the public domain unjustly held by railroad corporations. [Applause on the Democratic side.]

Mr. Speaker, again resuming my argument, more particularly with reference to this bill, there has been an amendment put in by the Senate, called a reciprocity amendment. This amendment was put in at the eleventh hour. It confers unprecedented and unheard of powers upon the President of the United States. It provides, in substance, that whenever the President shall be satisfied that the Government of any country producing and sending us sugar, molasses, coffee, tea, and hides, imposes duties on the products of the United States, which the President may in his judgment deem too high and unreasonable, he shall then order to be levied and collected and paid a tariff tax upon the articles which I have named, coming from such foreign countries. He can order a tax of 3 cents a pound on coffee, 10 cents a pound on tea, a cent and one-half a pound on raw hides, 2 cents a pound on certain grades of sugar, and 4 cents a gallon on a certain grade of molasses.

In a word, if the President of the United States should think that the Argentine Republic is taxing our manufactured goods, which were there being imported, too much, then he can order a tax to be laid of a cent and a half a pound on all the raw hides brought from the Argentine Republic into this country, to be used in making the boots and shoes of our people.

Of course, the evident effect of this would be to make our people pay perhaps a cent and a half more per pound for imported raw hides that go into their shoes and boots. Again, suppose the people of Brazil, in South America, should insist on laying a high tariff tax upon our goods there taken to be sold, then the President can, under this provision, lay a tax of 3 cents a pound on all the coffee brought into the United States from Brazil; thereby making every man, woman, and child in the United States pay 3 cents per pound more for coffee in order to retaliate against Brazil. The greater part of our coffee comes from Brazil.

If the people of Cuba shall insist on laying a tax on the products sent to her from the United States which the President shall think too high, then he can proceed to lay a high tax upon the sugar and molasses brought from that country into the United States, thereby making every man, woman, and child in the United States pay more for their molasses and sugar as a matter of retaliation towards Cuba. I am quite candid when I say that I do not believe this amendment will result in any good to our people.

Why should we confer this high power upon the President of the United States when it is purely the province of Congress to lay and collect taxes? It is provided in the eighth section of the Constitution that—

The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States.

Why should we confer one of the highest powers ever given to a legislative body in the world upon the President?

Mr. Speaker, in the light of the fact that the coinage of silver has been made discretionary with the Secretary of the Treasury, and it is here proposed to put the taxing power within the hands of the President, I affirm that this is fast becoming a Government of men, and not a Government of law. The taxing power is one of the highest and most sacred powers ever conferred upon a legislative body.

The right to take the private property of the individual citizen and appropriate it for public purposes is a very high power indeed, and one that the people have always justly guarded with great jealousy. Therefore I contend that it should not be delegated to the President of the United States. No tariff bill evidently has ever come into this House filled with so many strange and unheard-of provisions; a provision giving the President of the United States the power to lay taxes; a provision as high and transcendent as the right to declare war; a provision entitled "bounties," which will take, perhaps, \$7,500,000 or more out of the pockets of the people of the United States annually, and transfer it to the pockets of a few men engaged in the production of sugar.

This bill confessedly reverses the whole theory of our national tax system. Duties are not here laid primarily for the purpose of obtaining revenue, but they are laid for the purposes of protection. Think of the provisions of this bill, when construed in the light of a great decision of the Supreme Court of the United States which says:

To lay with one hand the power of the Government on the property of the citizen, and with the other bestow it upon favored individuals to aid private enterprises and build up private fortunes, is none the less a robbery because it is done under the forms of law and is called taxation. There can be no lawful tax which is not laid for public purposes.

Mr. Speaker, without detaining the House further, I desire to say that in my judgment this is the most unsatisfactory tariff bill ever proposed in the history of the United States, because it not only in-

increases the burdens upon those least able to bear them, but it violates the only true American policy, so tersely and clearly outlined by President Cleveland. He says:

Taxation upon luxuries presents no features of hardship; but the common necessities of life used and consumed by all the people, the duty on which adds to the cost of living in every home, ought to be greatly cheapened.

I candidly believe the bill to be unconstitutional in many of its provisions. The Constitution of the United States represents the crystallized wisdom and inspiration of the fathers. Therefore any law which goes to defeat its beneficent purposes is unjust. [Loud applause on the Democratic side.]

Mr. McMILLIN. I yield two minutes to my friend from New Jersey [Mr. MCADOO].

Mr. MCADOO. Mr. Speaker, in the few minutes given me so kindly by the gentleman from Tennessee I simply desire to enter my protest against the manner in which this bill is being considered. This is one of the most important measures ever presented probably in any Congress since the inauguration of our Government. It goes to the very foundation of the material prosperity of our country. There ought to have been a proper consideration of this measure in Committee of the Whole before it ever left this body; and no such important conference report as that now before us should ever be acted on without fully, at the very least, a week given to its calm, deliberate, conservative examination.

So far as the measure itself is concerned, you have simply made a national declaration of commercial war against the world. This is a powerful and a proud people; we are probably the richest nation to-day on the face of the earth; but no nation, however great, even with our sixty-five millions of people and unlimited resources, can afford to challenge the whole civilized world to a commercial war. Whilst commercial wars are bloodless, they are as bitter and destructive as the wars of physical conflict. You to-day have no friends in the cabinets or councils of any nation on the face of the earth so far as our commerce is concerned. You have built around the United States a wall prohibitory in its character against importations. You have said in every line of this bill that commerce is a crime. In every paragraph you have indicted the men who buy goods in foreign countries which we repay by the produce raised by our farmers. By the grand inquest which sat in that room when the conference committee met, you have indicted them as conspirators against the American people and the national dignity. Such an indictment is false and unjust; and so surely as I am now speaking it will, like retribution, come back to the nation which has committed itself to it.

Behind the towering walls of your prohibitive tariff bill will gather the forced emigrants from Europe, and against whom you can not pass exclusion acts, as against the Chinese, eager to underbid in the open labor market, saved from competition by neither tariff nor trust, the American laboring freemen for whom you profess so much care and whose rate of wages you profess to be so earnest to keep at a high standard.

Foreign goods you stop at the New York custom-house, but the foreign men and women who make them, and whom you designate "the pauper labor of Europe," crowd the Government emigrant depot, eager to underbid the unemployed American or take his place when he "strikes" against reduction of wages in a country where everything, including taxed eggs and potatoes, is artificially high.

While he eats his taxed cabbages, earned with taxed tools, that shaped taxed raw material, under the taxed tin roof of a taxed manufactory, and solaces himself with preserved vegetables out of a tin can into every atom of which you have hammered additional taxes, you drown his protestations with apostrophes to our flag and wild rhetoric about the dignity of "American labor," and mysterious hints about French influence, German intrigues, "British gold," and the Cobden Club. The issue is not now between free trade and protection, but between common honesty and audacious blackmail levied under cover of law by a few classes upon the great mass of our people. Honest but entirely mistaken men urge here such measures as this. Selfish and greedy men without hurry this measure—a jump into the wild abyss of chance, a revolution in commerce and trade—a consummation. Greed that now dominates in legislation by its money and forms the dominant plutocracy prods its conscripted battalions forward to their own destruction. You are hastening the protection you pretend to defend to its greatest danger. In opposing this bill we are trying to save you from your own folly; but the die is cast.

And I say to my friends on this floor who represent agricultural constituencies, that in this warfare, when you challenge, as you do, the whole civilized world, producing, as it does, so many articles which are exchanged for our surplus farm products, you are destroying the interests of the farmers of the United States. I do not represent on this floor a single farmer; but one of the great foundations of our material prosperity is the agricultural interest. You have struck it in every word and syllable of the bill which goes to the world as the McKinley tariff bill. [Applause on the Democratic side.]

[Here the hammer fell.]

Mr. McMILLIN. Mr. Speaker, how much time have I left?

The SPEAKER *pro tempore* (Mr. ALLEN, of Michigan). Forty-three minutes.

Mr. McMILLIN. Mr. Speaker, we have now reached the final act in the passage of that revenue bill which carries the highest rates of duty and imposes the heaviest burdens ever carried by any bill in the history of this country. There has been a hot haste, a rapidity in considering it, when the light was to be thrown upon it, that was ill becoming such a measure as this. We remember, however, Mr. Speaker, that when a great crime was to be committed against the whole world the admonition the Savior gave when looking into the face of the criminal was, "What thou doest, do quickly!" These gentlemen who are wrecking the prosperity of the country, who are ready to impose taxes that ought never to be imposed, refusing to take off those that the Treasury could spare and which the people demand should be removed, are following the admonition that was given to that criminal, "What thou doest, do quickly."

The gentleman from Maine [Mr. DINGLEY] has taken a position concerning this question that has not been taken by those who preceded him in the discussion. All along the line we have been told that the object was to put up the walls, to keep out commerce, to stop importation, to build up home manufactures; but his speech this afternoon has been devoted to an effort to show that the result of this bill is to be an increase of foreign commerce. Such arguments, considered in connection with those of a contrary nature heretofore made, remind one of the very many inconsistencies that have characterized the whole of this discussion.

We were told in the beginning of the debate that the sugar duty was a tax and it was to be removed because it was a tax. We were then told by the same gentlemen that the duty on iron, the duty on cotton goods, the duty on woolen goods was no tax, and, not being a tax, should not be repealed, but should be made higher. The same gentlemen tell the farmer that the duty has been increased on the farm products he sells in order that he may sell them higher. But they tell the same farmer that the duty has been increased on the other commodities he must buy to make them sell lower. How do gentlemen reconcile these inconsistent statements? There is a hot and cold blowing ill becoming so grave and important a question.

THIS LARGE INCREASE OF TARIFF RATES NOT EXPECTED NOR DEMANDED BY THE PEOPLE.

Mr. Speaker, this is not only an uncalled-for and unjustifiable increase in the rate of taxes, but it is one not threatened by the party now in power nor expected by the people. There has been talk on the part of the Republicans for years of revising and adjusting the tariff. Their platforms hawking with stale platitudes reiterated quadrennially on this subject, but I defy any man to point me a line or letter in any national platform of the Republican party announcing the purpose of a general increase in the rate of tariff taxes.

From Maine to California, from Michigan to the Gulf, there was not a public speaker in the last campaign who ever advocated such a policy so far as I know. Mr. Blaine, who came from Europe to make about seventy speeches, did not do it. The chairman of this committee did not. The Speaker of this House did not. The President in his many speeches of welcome to visiting delegations never intimated such a thing. It is true that one Foster spoke of "frying fat" out of the manufacturers for campaign purposes.

It is true that heavy assessments were obtained from many of the manufacturers. It was inferable from this that if the party seeking control should get in power they would prevent that reduction which the people demanded and the Democracy was trying to make; but by no sort of reasoning or implication was it supposed that nearly 50 per cent. of the present rates of duty would be added thereto. A party that would have come boldly to the front and advocated the raising of tariff rates from 41 per cent. to 63 per cent. would have been overwhelmingly defeated in that conflict. The party that commits this crime against the people will be defeated in the coming contest.

THE BILL IS INTENSELY SECTIONAL.

Mr. Speaker, this bill is intensely sectional. Has the time not come when sectional feeling, sectional hate should cease? Can we not look to the past for lessons of wisdom to guide us, and to the future with hope for the best interests of our whole country? "How long, O! how long!" must we see prejudices not held against foreign foes, and hear anathemas against our own people not heaped by them even upon the heathen. Of all the whelps of political sin, the foulest is Sectional Hate.

The man in whom this spirit entered was undone,
His tongue was set on fire of hell,
His heart was black as death,
His legs were faint with hate,
To propagate the lie his soul had framed.
His pillow was the peace of families destroyed,
The sigh of innocence reproached,
Broken friendships and the strife of brotherhood.

This bill is glaringly sectional. You have singled out the industries peculiar to the South and laid a heavy burden of taxation upon them. The great staple of the South is cotton. We produce about two-thirds of the cotton of the world; and, not able to manufacture it here, we

export about two-thirds of our product. The price is fixed in the open markets of the world, where it has to come in competition with that produced by the pauper labor of Egypt and India. Yet you increase the duty on cotton-ties, not made in this country, to 103, and make the producer of cotton pay two prices for ties which are destroyed in their use. It has to be wrapped in bagging. This, too, is consumed in the use. Makers of this organized a trust and attempted to add \$2,000,000 to the cost of bagging for one crop. The effort was in a great degree successful. Yet for the benefit of these manufacturers and trusts you have not materially reduced the duty on cotton-bagging, although you have given the manufacturers the jute of which it is made free.

Nor is this the only venomous strike you have made at the cotton-planter. Cotton-planting began to be non-remunerative. Inventive genius came to the rescue. Mills were invented for extracting the oil from the seed, and a great industry sprang up. But you have rushed in, and, under pretense of legislating for lard, you smite the cotton-seed-oil industry. You bankrupt the farmer with high taxes, and then seek to quiet him by taxing out of existence the cotton-seed oil which competes with his lard. And it may be truly averred, in view of your sectional record, that you are more interested in and solicitous concerning the industries and prosperity of South America than of the Southern States.

Sir, sugar is a Southern industry. One State makes annually from twenty to twenty-five million dollars' worth. This money goes to the Northwest to buy provisions for the laborers; to the Northeast to buy clothing for them; to the great iron centers to buy machinery. But this industry is Southern, and doomed. The sugar tax was a revenue tax, and therefore could not be endured. It has by this bill been repealed, and the tax increased on other things which yield more to the manufacturer and less to the Government.

But, says the chairman of the committee [Mr. McKINLEY], "We have taken care of this industry by giving a bounty to the sugar-planter; he is left in as good fix as he was." They say in their report that the tariff on sugar was a tax. Now they say they have left him with an equivalent for that tax, i. e., a bounty; and we thereby have the committee's confession that the tariff is the equivalent of a bounty.

If the bounty system is cheaper, why did they not apply it to other things? Why not to iron, steel, cotton goods, woollens, and flax? Why single out this industry? The sugar-planters did not want the bounty, and begged you not to give it to them. You pretend that it is for the benefit of the consumer, and tax the consumer to pay these bounties. Yet you turned round and in this bill authorized the placing by the President of a tax of 10 cents a pound on tea and 3 cents a pound on coffee. "With one hand you put a penny in the urn of poverty, and with the other take a shilling out."

Sir, there is another sectional feature in this bill. The conference committee recommend the adoption of the following amendment, namely:

237. Insert in lieu of above proviso:
"Provided, That all machinery purchased abroad and erected in a beet-sugar factory for the production of raw sugar in the United States from beets produced therein shall be admitted duty free until the 1st day of July, 1892: *Provided*, That any duty collected on any of the above-described machinery purchased abroad and imported into the United States for the uses above indicated since January 1, 1890, shall be refunded."

While this is done for the Western sugar-maker, the Southern sugar-planter has to continue to pay duty on his machinery. Why place a duty on the plow of the farmer who is only able to own one horse and one plow, and refund the duty on machinery worth, may be, \$100,000 belonging to the wealthy? It is said Mr. Spreckels is putting up immense factories. He is a millionaire. Why should he have duties refunded while others are forced to pay?

EFFECT OF THE CONFERENCE REPORT.

Mr. Speaker, where in this discussion on the part of gentlemen on the other side who have occupied the floor to-day has a word been spoken, a sentence uttered, or information given that conveys an idea of the nature of this bill? Has any gentleman told you the average rates of duty under it? No. Has the chairman of the committee or any gentleman who has spoken on that side told you wherein the Senate bill differed from that of the House? Have they told you what the effect of the conference report is to be? Not a word of it. They have been silent as the grave on the subject.

This bill has been cooked up in committee. It has been prepared for the palate of the manufacturer. He has got what he wanted and what he demanded, and the people may look out for themselves, and that potent and reprehensible character, who shall be nameless on this occasion, they say, may take care of the hindmost. [Laughter.]

I know, Mr. Speaker, that it is not pleasant at the end of ten months of arduous work for gentlemen to be compelled to sit here this late in the evening and listen to a cold recitation and comment on figures and facts such as this bill presents. Yet I feel that the discussion of the question would be incomplete if the results of this iniquitous measure were not made known through you to the American people. Therefore, if you will bear with me for an hour I will give you the effects of the bill as they appear from careful calculations.

The gentleman from Ohio [Mr. McKINLEY] announced that the Sen-

ate had yielded on almost all of the questions at issue between the two Houses. That was true. It was amusing to see that conference and watch its progress. I can not tell, and would not tell, everything that occurred in it, but I can tell what is printed in connection with it. The sum and result of the whole business is that the House yielded commas, semicolons, and periods—yielded the punctuation and the spelling—and the Senate yielded the high taxes, and they all came away happy. [Laughter and applause on the Democratic side.]

Let us take an illustration of what has been done. Steel beams, girders, etc., which, in this age of iron, prophesied concerning in the Scriptures as the great age, are used in almost every building—matters of prime importance in all great structures; these bore by the House bill nine-tenths of 1 cent a pound; the Senate bill fixed the duty at eight-tenths; and the conference report adopts the House rate. So, every man who desires to purchase these iron and steel commodities will have to dance to the House music.

Again, take steel rails, a manufacture that has been under a trust for years, the most extensive iron or steel monopoly on this continent or anywhere else in the world. The House provided that these should carry a duty of six-tenths of a cent a pound; the Senate reduced it to five-tenths, and the conferees adopt the higher rate of the House. There was no faulty punctuation in that, and so the Senate gracefully yielded.

Sir, I come now to that instrument over which honest toil sweats, the anvil; I come to the men for whom you declare you are the special guardians, but whose trust I insist you have basely betrayed. The House bill provided 2½ cents a pound on anvils and parts of anvils. The Senate could not stand that and cut it to 2 cents. But the conference ordered it back to 2½. What excuse will you give to the thousands of blacksmiths of this country for this enormous duty on the tools with which they must make a living? The next is cast-iron ware, used in every household in the land. As the bill passed the House the rate was 3 cents a pound; the Senate reduced it to 2½, and the conferees again magnanimously yielded to the higher rate.

Zinc was fixed at 1½ by the House, 1½ by the Senate, and the conferees make it 1½. The conferees did not seem to want to reduce the higher rates in any important matter.

On another thing I want to comment, Mr. Speaker, to show how these gentlemen have kept, or rather betrayed, the charge you committed to their keeping. What is the practice to-day? American citizens who desire to travel abroad go with their hand-bags empty in their hands across the Atlantic; but they return with full trunks of new clothing. Why? Because clothing is cheaper on the other side than here, and they can buy and bring their clothing in duty free. It has become a big industry.

People living along the seacoast, in Philadelphia, New York, Baltimore, Boston, everywhere in this part of the country, can afford to pay the expenses of a trip across the Atlantic if they can get, free of duty, their winter wear. This bill refuses to interfere with this traffic. It says that the rich may enter goods duty free because they have the money and leisure to go after them, while the poor must pay heavy duties because they must send for them instead of going.

The House bill, following the Mills bill, proposed a change there. It proposed to say that not more than \$500 worth of wearing apparel should come in free. But this was all a joke. It was thrown out only for use during the campaign and not to be made law. And my distinguished friend from Ohio [Mr. McKINLEY], the friend of the poor traveler to Europe, comes in and says that he may bring \$10,000 worth into the country free if he wants to. How do you like it? The conference committee are determined that the travelers' free importations are not to be interfered with.

Binding-twine comes next. The Senate said there should be relief on binding-twine, and I am glad to see that my friend from Minnesota [Mr. LIND] exhibits some symptoms of genuine conversion to sound Democratic doctrine. He says he is tempted to vote against this bill. But I am afraid it will be like the disposition of one of old to hear the preaching of the Apostles and yield to it. He was only "almost" persuaded. This item went to the conference committee with power to say whether twine should be taxed or free. What did these gentlemen do for the farmer in that important crisis in his affairs? These gentlemen who have put cabbages back on the tax-list at 3 cents a head, what did they do when the millions of farmers came forward and demanded free binding-twine in this age of machinery? They put the tax back, and here again taxes were given instead of relief. And the gentleman from Ohio [Mr. McKINLEY] has said to-day that he hopes the next Congress will increase it. I see my friend from Ohio looking over this way benignly, and I want to call his attention to the fact that in all these conferences there were hundreds of dollars yielded by the Senate where there were scores of dollars yielded by the House, and the bill largely increased.

Mr. Speaker, what is the net result of the conference? I will have to deal a little further in figures, which I regret. But I will only recount the millions and thousands, leaving off the hundreds to save time and not tire your patience.

On the chemical schedule the House bill proposed to raise \$5,553,000. That was the rate of duty that the bill imposed. The amount

as fixed by the Senate was \$5,554,000. The conference committee go beyond what was adopted by the Senate Finance Committee and beyond the House, and fix the rate at \$5,618,000, an increase over and above the House rate and the rate proposed by the Finance Committee of the Senate. And I have made these comparisons with the report of the Finance Committee of the Senate because the report furnishes the latest data for calculations upon this bill.

How about the metal schedule? The gentlemen have told you of the relief that has been given in this bill. On the metal schedule the House fixed the amount of duties at \$9,717,000. The Senate Finance Committee reported \$9,314,000. And yet the conference committee have agreed upon \$9,627,000, a reduction in the whole metal schedule from the original House bill of only \$91,000.

Now take the wood schedule. The House rate was to yield \$1,825,000 revenue. The Finance Committee of the Senate fixed it at \$1,825,000 also, but the conferees fixed it at \$1,778,000. What gentleman over there has told you that this bill is millions bigger on these schedules I am mentioning as it came back from the Senate than when it went there?

Sir, the next schedule is agricultural products. The House fixed duties amounting to \$19,833,000 on this schedule. The Senate Finance Committee fixed them at \$17,394,000, and yet when the bill comes back it has in place of \$17,000,000 the sum of \$18,681,000.

From spirits the House bill proposed to collect \$3,130,000. The Senate raised it to \$9,887,000; and yet when the plastic hand of the conferees had finished touching it, it was \$9,124,000—

Mr. GEAR. May I ask the gentleman a question?

Mr. McMILLIN. Yes; I yield with pleasure.

Mr. GEAR. Does the gentleman object to increasing the duty on champagne and wine?

Mr. McMILLIN. No, sir; you did not fix it as high as you should. I favored higher duty on champagne, and opposed any reduction of the Senate rates. The Senate fixed it at \$10. You put it at \$7, and you varied from your rule in conference, and you yielded there and cut it down to \$3. This is one of the few increases your party opposed. Why not collect \$10 a dozen from it?

Mr. GEAR. You do not object, do you, to a million dollars increase?

Mr. McMILLIN. No; I would prefer two millions. Why did you not increase it more; if it was right to impose a tax upon that fiery fluid that does not cure a man when he is sick, but soon makes him oblivious of life's ills? [Laughter.] So my friend from Iowa tells us. I think the last question that the gentleman ought to have raised was the champagne question, for upon that you have cut down the Senate's increase. Why did you not increase it during the war or long ago?

Mr. PEEL. That will help the Iowa farmers a great deal!

Mr. McMILLIN. In other places you augmented the Senate's increase, but here you cut it down.

Now, Mr. Speaker, we come to the flax, hemp, and jute schedule. The House bill yielded \$16,859,000. This was an enormous increase. The Senate bill reduced it to \$15,955,000, but the conference report makes it \$16,178,000. There, as my friend from Iowa tells us, almost with tears in his eyes, was a concession to the people. Such an embargo was never before put upon clean shirts and collars as that side of the House placed there when they fixed up the flax and linen schedule that went to the Senate. It was so outrageous that it could not stand the light of day. There happened to be a few men left among them with whom the bath-tub was either a reminiscence or an aspiration, and they reduced it some. [Laughter.]

Mr. BOUTELLE. Is the gentleman alluding to the occupation of a member from Texas during the vote on the Morrison tariff bill? [Laughter.]

Mr. McMILLIN. No, sir; I am not talking of our people who do wash, but of those of yours who do not.

Sir, I next come to the sundries schedule. The House bill provided for a tax of \$13,791,000 from this schedule; the bill as recommended by the Senate Finance Committee, \$13,686,000; but when the conferees with the Senate got through with it the bill provides for a tax of \$13,974,000, or an increase of \$189,000. So I might go on at greater length; but I will not tax your time and your patience by doing so.

Now, what is the result of this three-cornered manipulation? I will premise by saying that it was heralded forth to the country that the Senate had taken hold of the bill as "with hooks of steel," and that they were going to do justice by the people. They were to cut down the duty on all the necessities of life and to raise it on the luxuries; they were going to reduce the revenue. When the Senate and the conference committee got hold of it what was the result? They put back the rates that had been reduced by the Senate Finance Committee or recommended for reduction to the amount of \$4,922,361.

That is the net result of your conference, the addition of \$4,922,000 to the bill as reported from the Finance Committee. Sir, it is true that the conference did not add all this; part of it was added by the Senate, part by the conferees; but the result is that much over what the country was told would be the result from the report made by the Finance Committee to the Senate of the United States, and upon which all these data are given.

Mr. Speaker, let us inquire next what will be

THE AVERAGE RATE OF TARIFF TAXATION

under this bill. The Senate Finance Committee estimate the duties that would be received under it at \$201,689,000. Experts have gone over it. I have gone over it myself, and it is susceptible of demonstration beyond the peradventure of a doubt that there is to be added in these things where they say there are no data, but which I have with much labor worked out, \$19,209,000. I have gone through it carefully, and have the calculations here, but will not take the time of the House to read them.

Then, the conferees added, as I have just stated, \$4,895,000. So that the revenues, if there should be imported next year under this bill the same quantities of merchandise that were imported last year under existing law, would be \$225,000,000. At the present rate of duties the importations of these articles yield \$161,000,000. So that the increase on the tariff schedules, outside of sugar, which is carried in this bill is \$64,385,854.

Mr. Speaker, I was just thinking as I sat here to-day how easy of computation these figures are.

A DOLLAR A HEAD INCREASE IN TAXES.

It turns out that the present census is going to show the population of the United States to be 64,000,000; so that, laying aside for present purposes of computation the sugar duty, which I will touch upon later, there is an increase imposed on the other items in this bill of a dollar for every man, woman, and child in the United States—\$5 to each family. That is what it costs the country to support the expensive luxury of a Republican Congress and a Republican President. [Applause.]

Now, the duty on sugar that was taken from the tax-list and added to the free-list amounts to \$55,975,984, the internal-revenue tax repealed, to \$6,058,652; making a total of \$62,034,636. Therefore, Mr. Speaker, there is a net increase, if you deduct the sugar tax repealed and the internal-revenue tax repealed (not computing a few things added to the free-list), of \$2,227,394 under these tariff schedules. Or, if you add the items in the free-list to this, the sugar and internal taxes repealed, the aggregate of reductions is very little more than the aggregate of increases. You would like to know what per cent. that is. I will give you that.

I have made a calculation of the rate of duty that will be carried on these things should the conference report be adopted which I will give you. The Senate Finance Committee reported that the rate of duty under existing law on the articles embraced in this bill is 41 per cent. Under the proposed bill it will be 57 per cent. So that there has been an increase in this bill of 16 per cent. in the average of duty. But, my friends, that does not embrace all the increase that this bill makes. What else? you ask me. There is a clause in the bill which provides that there shall be imposed an additional duty of 10 per cent. on all commodities shipped to this country in other than American bottoms, except from those countries where our treaties prevent such a discrimination.

Now, I believe we are carrying less than 20 per cent. of our foreign commerce. We have treaties that make the bill in this particular inoperative as to some countries; but if 50 per cent. fall under this provision of the law and 5 per cent. be added to this 57 per cent. the rate by this bill would be 62 per cent. Then, in addition, Mr. Speaker, there must be taken into account the effect of the bill that already passed this Congress, known as the administrative bill, which taxes coverings, etc., and which the gentleman from Ohio [Mr. McKINLEY] has admitted will increase the rates of duty from 4 to 5 per cent. It will increase them nearer 8 per cent.

It is safe to say that by the administrative bill 8 per cent. will be added to the 62 per cent. estimate as resulting from this bill, bringing the tariff nearly or quite to 70 per cent. That is the rate of duty. How do you like it as compared with the 41 per cent. of existing law? How will the consumer like an increase of about 29 per cent. to his taxes?

Mr. WIKE. And the title of the bill states that it is to reduce the rate.

Mr. McMILLIN. And the title is as false to the bill as the bill is false to the people. [Applause.]

Mr. BLOUNT. Will my friend allow me to ask him a question?

Mr. McMILLIN. With great pleasure.

Mr. BLOUNT. I wish to know if the gentleman has made any calculation as to the amount of goods imported in foreign vessels at that 10 per cent. rate under the bill, and what amount of tax that is on the goods imported in that way?

Mr. McMILLIN. It is very difficult to answer the gentleman's question, and I have had no time to look to treaties. I have been forced to make these calculations within the last two days. I do not believe the committee knows or that any man in America can tell exactly how much will come under it; but in making the estimate I have estimated that not more than 50 per cent. will fall under it, and if you make that estimate you will have a tax rate here that will aggregate in round numbers about 70 per cent., and which I do not believe could fall as low as 65 per cent. even if that clause were out of the bill.

In other words, when the citizen goes to buy goods he will take \$100 to pay for the goods, and \$70 to pay the customs officer or the manufacturer.

But that is not the worst. This bill keeps up what has so long been an inequality. It continues the excessive rates upon the cheaper grades

and the poorer commodities, worn and used by the humble and the lowly, and puts a comparatively lower rate of duty upon those things that are bought by the prosperous and the wealthy.

TAXING CLOTH TEN TIMES HIGHER THAN STATUARY.

Mr. Speaker, there is another thing in connection with the report to which I will call the attention of the House. The gentleman from Illinois [Mr. HITT] rose here and lauded this bill because it taxes champagne and works of art, and says these are the most desirable subjects of taxation. If that is true I want to know why, on this very evening, he is going to vote to reduce the duty on works of art one-half, for the effect of this bill, if it becomes a law, will be to tax the clothing that keeps warm the poor man from 125 all the way up to 150 per cent., and to let in nude statuary at 15 per cent.

RECIPROCITY.

Mr. Speaker, my friend from Massachusetts [Mr. O'NEIL] calls my attention to an important matter to which I was coming later.

The ill effects of our present tariff system were felt throughout the country. England began to draw her wheat supply from India and Russia, and to stop taking ours. So with other countries. They imported from other sources, or by excluding our commodities produced their own supplies. They went in part to the Argentine Republic. Sometimes our pork was excluded under one plea, sometimes under another. But the result was the same to us, whatever the reason given, and whether or not any excuse was given. The exports of wheat declined, and the market here tumbled. It barely paid for raising it. So with corn. So with beef and pork. The farmers suffered frightfully. Their lands declined and their mortgages multiplied.

At this juncture, alas for the country! this Congress assembled. It has made bad worse. Wise men of all parties foresee the impending danger. Mr. Blaine, who has so often led his party in the past, who is now Secretary of State, and who, as such, is in touch with the outer world, saw that this bill was commercial destruction to our people. He rushed to the Committee on Ways and Means. He assembled the majority members and exhorted them to "stay the ax." He said: "Gentlemen, you are going to ruin this country. You are adopting a bill that will put up a wall between us and the rest of the world. You are proposing a measure which will destroy commerce instead of increasing it." They heeded him no more than the idle wind. They did not even tell the minority of Mr. Blaine's conference and admonition. They were, as they thought, the sole depositories of their secret, and, like Janina's, it should die with them. But it would not die. Mr. Blaine went to the Senate with the bill, and again grappled the monster there. From the Secretary's office, from his home in Maine, from hilltop and seashore, he hurled his anathemas against it. He proclaimed the truth, that this bill does not furnish a market for a single bushel of corn or a single barrel of flour. He demanded that some advantage should be asked by our people for the surrender of the sugar duty, the best revenue duty on the entire list.

The people were frightened at your astounding propositions. New England saw your immense walls rising, cutting her off from the world. She saw the West and South supplying their own demands, and to quiet her you have adopted what you call reciprocity, which is only retaliation. It is taxing our own people on what they must consume, to punish others for an existing or supposed grievance.

Mr. Speaker, they have heard the mutterings of discontent and seen the dark clouds of public indignation rising. Hence, the adoption in this bill of a so-called reciprocity amendment. But it is no reciprocity. It is a burlesque upon all commerce and legislation, and even worse. The following is the proposition:

(401) Sec. 3. That with a view to secure reciprocal trade with countries producing the following articles, and for this purpose, on and after the 1st day of July, 1891, whenever and so often as the President shall be satisfied that the Government of any country producing and exporting sugars, molasses, coffee, tea, and hides, raw and uncured, or any of such articles, imposes duties or other exactions upon the agricultural or other products of the United States, which, in view of the free introduction of such sugar, he may deem to be reciprocally unequal and unreasonable, he shall have the power and it shall be his duty to suspend, by proclamation to that effect, the provisions of this act relating to the free introduction of such sugar, molasses, coffee, tea, and hides, the production of such country, for such time as he shall deem just, and in such case and during such suspension duties shall be levied, collected, and paid upon sugar, molasses, coffee, tea, and hides, the product of or exported from such designated country, as follows, namely:

All sugars not above No. 13 Dutch standard in color shall pay duty on their polariscopic tests, as follows, namely:

All sugars not above No. 13 Dutch standard in color, all tank bottoms, sirups of cane juice or of beet juice, melada, concentrated melada, concrete and concentrated molasses, testing by the polariscopic not above 75 degrees, seven-tenths of 1 cent per pound; and for every additional degree or fraction of a degree shown by the polariscopic test, two-hundredths of 1 cent per pound additional.

All sugars above No. 13 Dutch standard in color shall be classified by the Dutch standard of color, and pay duty as follows, namely: All sugar above No. 13 and not above No. 16 Dutch standard of color, 1½ cents per pound.

All sugar above No. 16 and not above No. 20 Dutch standard of color, 1½ cents per pound.

All sugars above No. 20 Dutch standard of color, 2 cents per pound. Molasses testing above 55 degrees, 4 cents per gallon.

Sugar drainings and sugar sweepings shall be subject to duty either as molasses or sugar, as the case may be, according to polariscopic test.

On coffee, 3 cents per pound.

On tea, 10 cents per pound.

Hides, raw or uncured, whether dry, salted, or pickled, Angora-goat skins, raw, without the wool, unmanufactured, asses' skins, raw or unmanufactured, and skins, except sheep-skins with the wool on, 1½ cents per pound.

Do you see either reciprocity or good government in this?

Who ever heard of such extraordinary powers being surrendered by a free people to one man? When our fathers began this Government they wisely had revenue bills originate with the House of Representatives, because that body comes most directly and frequently from the people. But here the enemies of our institutions in this bill provide that they shall not originate in the House, nor in the Senate, but the President shall impose enormous taxes, remit them, and reimpose them at pleasure. He may tax every pound of coffee 3 cents, and of tea 10 cents, consumed by our 64,000,000 people. He may retax sugar and hides. He may impose taxes without the House of Representatives, and substantially conclude treaties without the concurrence and advice of the Senate.

A more cowardly and uncalled-for surrender of sovereign prerogatives was never made by the faithless representatives of a free people. Our ancestors, with more spirit and patriotism than we are evincing, rebelled against a smaller tax on less tea, imposed by the British Parliament and King George. Did we rebel against the Georges and a legislative annex only to go under the Harrisons without even a legislative annex?

If the founders of the Government had intended the President to exercise such monarchical power they would have framed the Constitution differently. Instead of saying "The Congress shall have power to lay and collect taxes, duties, imposts, and excises," etc., as they did in the Constitution, they should have said, "The President shall have authority * * * to levy and collect taxes," etc.

This amendment is not only a spiritless surrender of principle and power, but an overruling of the Constitution. If the people's representatives surrender this principle they should be relegated to the rear and representatives sent here more worthy the sires who bled for these liberties and the sages who toiled for this Constitution. The mountain has labored, but nothing but a mouse has been brought forth. What is this so-called reciprocity? It is not reciprocity. It does not provide a market for a single bushel of grain or a single pound of pork. It does not extend our markets, but what does it do? It is retaliation, as my friend from Pennsylvania [Mr. BUCKALEW] says. It is one-man power, as my friend from Texas, Judge ABBOTT, says. It is unconstitutional.

Are you ready to betray the trust of the American people, you who represent the bravest men and the finest women that the whole earth boasts? Will you in this day of law and written constitutions come forward and make a cowardly surrender of high prerogatives and noble rights?

Mr. O'NEIL, of Massachusetts. Will the gentleman permit a question?

Mr. McMILLIN. Yes, sir.

Mr. O'NEIL, of Massachusetts. Is it not true that at present we have free tea, free coffee, and free hides, and is it not also true that under this "reciprocity" clause the President may reimpose taxes upon those three articles?

Mr. McMILLIN. Certainly. It not only authorizes the President to nullify the free-sugar clause of this bill, but, Mr. Speaker, I think that of all the surrenders ever made by a free people this is the most patent, flagrant, and reprehensible. Trust men that will surrender sovereign rights! Trust men that will give to the President of the United States more power than the Queen of England and Empress of India has! Trust men who would vest in one man a power that is not exercised by the Czar of all the Russias! Before I would trust a Congress that would thus destroy the people's liberties, I would go and cradle my own child with a viper. [Applause.] Not only this. This "reciprocity" clause also provides that the President may impose a tax on hides. The industries already established in Massachusetts are to perish; those established in New Jersey are to perish; and upon the altar of the avarice of a few manufacturers the Constitution of the country is to be overridden, rights are to be surrendered, and taxes are to be imposed.

DISTRUST OF THE PEOPLE.

Mr. Speaker, there runs through this whole bill a vein of distrust of the people that is enough to condemn it without more. This is manifest in the bounty clause, which is a continuing appropriation, and so fixed that if six successive Houses come here instructed and pledged against the continuance of the bounty they can not stop the appropriations therefor if either the Senate or President favors it. This House surrenders the purse-strings without the least hesitation.

Alexander Hamilton is credited with saying once when advocating life tenure for Senators that "the people are turbulent and not to be trusted," and that a body with life tenure was necessary to check the impudence of Democracy. Is not this spirit manifest in this legislation? The people are turbulent, so the majority say, and not to be trusted; hence this bill puts it out of their power to resist. They may complain, but can not avert their doom.

The same want of trust is manifest in the bill now pending granting subsidies to ships, where it is proposed to make the appropriation for fifteen years, and which the newspapers credit you, Mr. Speaker, with saying would pass. Your bleeding soldiers must come here every year; your famishing officials must come here every year; the people who

bleed for you in the field of battle, who toil by day and who sleep not by night, must come here annually for appropriations for their support. But not so with the recipient of the bounties provided by this bill.

And the gentleman from Kansas, Mr. PETERS, has just said that he wished it could be made a penitentiary offense to change this tariff rate for ten years. Fortunately we are not yet under the empire.

I have already commented on what I regard as the supreme want of trust manifested by this Congress in the people who sent them here; that is, the clauses of this bill which authorize the President to impose taxes without the assembling of Congress. By this he has a power greater than that possessed by the greediest of the Roman proconsuls over the provinces they wasted. If a tax is to be reimposed on coffee why not let the President call Congress together to do it? If four years hence there is a necessity for the reimposition of a tax on hides and a tax on sugar, in the name of all that is just and wise let us trust it to the Representatives chosen by the people.

I do not say that any President we have ever had would be unscrupulous enough to wield this power for the enrichment of himself or the continuance of his rule; but I do say, and I challenge its contradiction, that if one should rise up—as one may rise up—with the ambition of Cæsar or the selfishness of Napoleon, or the contempt for legislative law of Cromwell, there is no limit to the money he could amass by speculation or the mischief he could work in destroying the liberties of the people.

TAXES REPEALED BY THE REPUBLICAN PARTY.

Mr. Speaker, the gentleman from Ohio [Mr. McKINLEY] boasted with much gusto a few days ago that the Republican party had repealed or removed taxes amounting to hundreds of millions of dollars. But did they take the tax off woolen clothing? Off cotton goods? Off linen? Off tinware? Off the iron used by farmers? Off the medicines used by all? No; far from it. What taxes did they repeal?

There was a tax on bank checks. It was paid by those who had bank accounts on which to draw. It was a tax on accumulated wealth, and therefore not to be endured. It was repealed. There was a high tax on whisky; it was reduced to less than one-half, and it is one of the articles from which the distinguished gentleman from Ohio can boast his party has removed one-half their burdens.

The income tax yielded, in 1886, \$72,982,150. It yielded the following year more than \$68,000,000. But it was a tax on the wealth and not on the toil of the country, and hence was not to be tolerated. It went soon after the war. The bulk of it was repealed before 1871. It was a tax on not only the income of wealthy individuals, but of banks, railroads, and other corporations. Had this tax continued awhile longer it alone would have paid off the public debt now hanging over us, even without any increase on account of increased wealth. It would have done this in fifteen years, or by the year 1884. Or if it had continued till last year it would have paid the public debt, opened every harbor, improved every river, built every war-vessel, and constructed every fortification now contemplated and estimated for improvement by the Government. But this is the tax the gentleman from Ohio [Mr. McKINLEY] boasted his party has repealed.

The tax on manufactures yielded millions annually, but it was short-lived. It, too, was repealed, but the added duty remained and remains to this day, and is being increased by this compensatory bill.

The next tax of which he boasts the repeal is the tax on whisky. It was reduced one-half. But did they repeal with this reduction a single office? Did they remove a single rigor or hardship which has characterized the enforcement of whisky-tax collections? Not one; the law stands in all its rigor, and is enforced with old-time severity.

There was another tax the gentleman and his party repealed. I am willing they should have the credit that they deserve. A party so rash as that now controlling this Republican House ought at least to get credit for boldness, if for nothing else. There was a tax on playing-cards, the raw material out of which the faro dealer makes the manufactured commodities—gamblers! But what cared these gentlemen whether he turned his jack from top or bottom? (If I mix my metaphors I want some friend on the other side who is better acquainted with this subject than I am to post me.) [Laughter.] What cared they? This was a tax on luxury; and it was repealed.

There was also a tax on dealers in lottery tickets. Dealers in lottery tickets! Those poor people who are trying to make an honest living through chance! This tax was yielding a good deal of money. It yielded \$350,000 while it was in operation. But the smoke of battle hardly cleared away any more rapidly than did this tax. These are the taxes the gentleman boasts his party has repealed. Take the honor, gentlemen; you are entitled to what little there is in it. [Applause.]

CONSEQUENCES OF RECKLESS FOLLY.

Mr. Speaker, what is the situation to-day? What is the result of all this folly? A frightened people stand in dread of this reckless Congress and its extraordinary methods. The very sitting of this Congress is a great menace to the industries and prosperity of the country. Day by day the dark clouds arise on the financial horizon and threaten to burst in bankruptcy upon the country. Since the committees of Congress have been at work on the tariff—"tinkering with the tariff"—the country has been on the verge of a panic. Millions on millions of the people's money have been poured into Wall street by the Govern-

ment—paid when not due—and still there is no confidence in the Administration.

The Secretary has announced that he will pay interest on five hundred millions now which is not due till late in next year, to prevent bankruptcy. Still confidence refuses to return. The masses who owe debts of their own, bearing heavy interest, are taxed to raise funds to quiet a market disturbed by mal-legislation. It was not so under Democratic rule. Money did not bring 180 per cent. interest.

Why not dig this evil up by the roots? Why temporize with it? Why not reduce the expenses of government to an economic basis? Why not reduce taxation instead of increasing it? Why rob the poor prematurely to pay interest not yet due and premiums never to become due to the rich?

Sir, President Cleveland was criticised by the Republican party because he deposited a part of the enormous revenues raised against his protest in the banks where it at least had a chance to get back into circulation. How have these same critics done under similar circumstances? They have paid and are paying heavy premiums on bonds bought. They have paid and are paying the interest on hundreds, millions of bonds nearly a year before it is due; thus making a clear donation to the bondholders. Even the railroads subsidized by Government bonds and lands, and built by Government credit, have the interest on their bonds paid long before due.

While this prodigal favoritism for the bondholder is being expressed in so lucrative a way, what are they doing for the poor toiler who pays these taxes? Constantly devising new methods of taxation and torture. You are raising the tax on almost everything necessary to his existence. His shirts and his socks, his collars and his coats are all increased; his hammer and his hoe are increased, his anvil and his ax, his cutlery and his cotton goods—all increased enormously, and all fall alike under the decree that has gone forth in favor of the holders of bonds for sale, and against the laborers who are helpless and have to pay.

Sir, there is a day of reckoning at hand. Well may you fortify against the wrath of the people, and make your plundering schemes permanent as you can, but you can not hide from their wrath nor escape from their vengeance.

Mr. Speaker, in conclusion I will say that you have passed this unheard-of measure by unheard-of methods, and we appeal from them and you to the people who make and unmake Congresses. [Applause on the Democratic side.]

Mr. McKINLEY obtained the floor.

The SPEAKER *pro tempore*. The gentleman from Ohio [Mr. McKINLEY] has eleven minutes.

Mr. McKINLEY. Mr. Speaker, in the few minutes which I shall occupy in closing the debate upon a question that has claimed so much of the time, not only of the House of Representatives, but of the Senate as well, and which has occupied so much of the time of the people in public discussion, it is suitable that I should say some things of this revenue measure which is so soon to be enacted into law by the party in the majority, and which has received so much of censure, not alone from those who have no special interest in the welfare of the United States, but from certain of our own people whose interests would seem to be with us and are yet strangely against us.

First of all, Mr. Speaker, I desire to say that this is not a bill of retaliation, nor is it a bill of diplomacy. It is a bill for the people of the United States to supply them with the needed revenue to conduct the public service; and in levying the tariffs with a view to raising the revenue necessary for the Government it has so discriminated in the adjustment of those tariffs as to give protection to our own people, defense to their industries, encouragement to internal development, and a compensation to make up the difference between the price paid labor in Europe and the price paid labor in the United States. [Applause on the Republican side.] For it is the pride of this country that we pay more and better wages to our workmen than are paid anywhere on the face of the earth. [Renewed applause.] And we are enabled to do this, Mr. Speaker, because the Republican party, and the old Whig party before it, have insisted all the while that they will impose taxes upon those articles of foreign production which come in competition with the products of our own labor, our own soil, and our own shops, and in that way bring revenue to the Treasury and security to our own people in their pursuits and employments.

The gentleman from Tennessee [Mr. McMILLIN] calls this bill hard names. I will not stop to reply to them. Epithets will not hurt it, defamation will not detract from it. The future alone can vindicate or condemn this bill. The remarks of the gentleman weigh nothing; and they are but the echo of what has appeared in the press of all England and all the other competing nations of the world. [Applause on the Republican side.] What he has said here to-day I have read in the papers of Great Britain and France. What he has said here to-day I have read in the papers of all Europe; and upon this great question, and in opposition to this bill, Great Britain and the Democratic leaders are in alliance once more. [Prolonged applause on the Republican side.] An unholy and unpatriotic alliance, which will be no more successful now than it was twenty-eight years ago.

Is it any wonder, Mr. Speaker, that under the threat of the Mills bill in 1868 the national Republican convention, voicing the senti-

ments of a majority of the country, declared that the Democratic party served the interests of Europe, and that the Republican party serves the interests of the United States? [Applause on the Republican side.] The charge has been made good, the declaration has been proven, and no man hereafter can controvert or deny it.

Why, the gentleman from Tennessee says that this bill does not increase the demand for a single grain of wheat, a single pound of pork, or a single bushel of corn. I say to the gentleman that when this bill becomes a law, when the tin industry is started that is contemplated by the bill, it will give support to 50,000 people, and these 50,000 people will be just 50,000 more consumers of the products of our Western farms. [Applause on the Republican side.] When this leading industry which is contemplated by this bill shall become a fixed fact—and it will become a fixed fact, for millions are only waiting to invest in it—when that comes additional demand will be made for American workmen, and with that demand for American workmen will come increased consumers and increased capacity to buy the products of American farms. [Renewed applause.] Why, already, as the gentleman from Missouri has advised me, they have commenced making tin-plate in the city of St. Louis in the factory of the distinguished gentleman who sits before me, Mr. NIEDRINGHAUS. [Applause on the Republican side.]

In anticipation of this bill, in the belief that it was to pass, men are ready now to invest their money, and instead of paying fifteen to twenty millions of dollars annually to the other side for our tin we propose to make it right at home and keep that vast amount of money here for the uses of our own people. The linen industry, which it is expected will be established upon the passage of this bill, will make a new demand for labor and go to increase the army of consumers to which the great West looks to buy the products of its fields and its granaries.

Now I want to say, Mr. Speaker, that this bill, if it becomes a law, puts on the free-list about one-half in value of all of the products we import from the countries of the world—one-half of all we imported last year—the like of which was never known in any tariff bill that was ever passed in the history of this Government.

Why, under the Mills bill only a little over 40 per cent. of the value of our foreign imports were placed on the free-list. We have made it 50, and they are those products, as Governor DINGLEY has explained to you, which we can not successfully produce in the United States. We have released from taxation the non-competing foreign products except luxuries, and retained the duties, and in some instances increased them when necessary, upon the competing foreign products. So we increased the duty upon brandies and champagne and tobacco, and took it off sugar. This bill recognizes the principle which was found in the first tariff bill ever framed by the fathers and founders of the Government, and recognized again on the Morrill tariff of 1861, a tariff which supplied all the revenues of the Government even under the extraordinary demands made for revenue during the war; and while this tariff was raising revenue adequate for all public purposes it was at the same time raising this nation to be the first and greatest manufacturing nation of the world. [Applause on the Republican side.]

But gentlemen on the other side would tax themselves to meet the expenditures of the Government. They would lay a tax upon our own products to pay these expenses. The Republican party, on the contrary, would tax the products of other people and other countries seeking a market in the United States to supply the necessary revenues of the Government. This bill makes and emphasizes the great industrial issue. We have proffered it; you have accepted it. From here it goes to the people. Before that tribunal we invite you and invoke its deliberate and patriotic judgment, and to it all of us must yield.

But, Mr. Speaker, the domain of debate is passed. The time for action has come, and without delaying the House a single moment more, unless gentlemen will permit us to have a vote without it, I shall demand the previous question. [Prolonged applause on the Republican side.]

The SPEAKER. The gentleman from Ohio demands the previous question.

The question was taken; and the Speaker announced that the ayes seemed to prevail.

Mr. McMILLIN demanded a division.

Mr. MCCREARY. Let us have the yeas and nays.

The yeas and nays were ordered, there being 52 in the affirmative and 162 in the negative.

The question was taken; and there were—yeas 150, nays 80, not voting 95; as follows:

YEAS—150.

Adams,	Bingham,	Candler, Mass.	Daisell,
Allen, Mich.	Bliss,	Cannon,	De Lano,
Anderson, Kans.	Boothman,	Carter,	Dingley,
Arnold,	Boutelle,	Caswell,	Dolliver,
Atkinson, Pa.	Bowden,	Cheadle,	Dorsey,
Atkinson, W. Va.	Brewer,	Cheatham,	Dunnell,
Baker,	Brosius,	Clark, Wis.	Evans,
Banks,	Brower,	Cogswell,	Farquhar,
Bayne,	Browne, Va.	Comstock,	Flick,
Beckwith,	Buchanan, N. J.	Conger,	Flood,
Beiden,	Burrows,	Craig,	Furston,
Belknap,	Burton,	Culbertson, Pa.	Gear,
Bergen,	Caldwell,	Cutcheon,	Gest,

Gifford,	Lind,	Post,	Stockbridge,
Greenhaige,	Lodge,	Pugley,	Struble,
Grosvenor,	Mason,	Quackenbush,	Sweeney,
Grout,	McComas,	Raines,	Taylor, E. B.
Hall,	McCormick,	Randall,	Taylor, J. D.
Hansbrough,	McDuffie,	Ray,	Taylor, Tenn.
Harmer,	McKinley,	Reed, Iowa	Thomas,
Haugen,	Miles,	Reyburn,	Thompson,
Henderson, Ill.	Miller,	Rife,	Townsend, Colo.
Henderson, Iowa	Moditt,	Rockwell,	Townsend, Pa.
Hermann,	Moore, N. H.	Russell,	Turner, Kans.
Hill,	Morey,	Sanford,	Vandever,
Hitt,	Morrill,	Sawyer,	Van Schaick,
Hopkins,	Morrow,	Seranton,	Vaddill,
Kelley,	Morse,	Seull,	Walker,
Kennedy,	Mudd,	Sherman,	Wallace, Mass.
Kerr, Iowa	Niedringhaus,	Simonds,	Wallace, N. Y.
Kinsey,	Nute,	Smith, Ill.	Wheeler, Mich.
Lacey,	O'Donnell,	Smith, W. Va.	Wickham,
La Follette,	O'Neill, Pa.	Smyser,	Williams, Ohio
Laidlaw,	Osborne,	Snider,	Wilson, Wash.
Langston,	Payne,	Spooner,	Wright,
Lansing,	Payson,	Stephenson,	Yardley,
Laws,	Perkins,	Stewart, Vt.	
Lehlbach,	Pickler,	Stivers,	

NAYS—80.

Abbott,	Cummings,	Hooker,	Quinn,
Allen, Miss.	Davidson,	Kilgore,	Reilly,
Anderson, Miss.	Dickerson,	Latham,	Richardson,
Andrew,	Dunphy,	Lester, Ga.	Rusk,
Barwig,	Enloe,	Lewis,	Sayers,
Blount,	Featherston,	Malsh,	Seney,
Breckinridge,	Fitch,	McAdoo,	Stewart, Tex.
Brickner,	Flower,	McCarthy,	Stockdale,
Brookshire,	Forney,	McClellan,	Stone, Ky.
Buckalew,	Fowler,	McCreary,	Stump,
Carlton,	Goodnight,	McMillin,	Tillman,
Caruth,	Grimes,	Moore, Tex.	Tracey,
Catchings,	Hare,	Mutchler,	Turner, Ga.
Clancy,	Hatch,	Oates,	Wheeler, Ala.
Clements,	Hayes,	O'Neil, Mass.	Whithorne,
Cobb,	Haynes,	Owens, Ohio	Wike,
Coleman,	Heard,	Peel,	Wiley,
Covart,	Hempill,	Pennington,	Wilkinson,
Cowles,	Herbert,	Pierce,	Willcox,
Crain,	Holman,	Price,	Yoder,

NOT VOTING—95.

Alderson,	Cothran,	Lee,	Robertson,
Bankhead,	Crisp,	Lester, Va.	Rogers,
Barnes,	Culbertson, Tex.	Magner,	Rowell,
Bartine,	Dargan,	Mansur,	Rowland,
Biggs,	Darlington,	Martin, Ind.	Shively,
Blanchard,	De Haven,	Martin, Tex.	Skinner,
Bland,	Dibble,	McClammy,	Spinola,
Boatner,	Dockery,	McKenna,	Springer,
Brown, J. B.	Edmunds,	McRae,	Stahneck,
Browne, T. M.	Ellis,	Milliken,	Stewart, Ga.
Brunner,	Ewart,	Mills,	Stone, Mo.
Buchanan, Va.	Finley,	Montgomery,	Tarsney,
Bullock,	Fithian,	Morgan,	Taylor, Ill.
Bunn,	Forman,	Norton,	Tucker,
Butterworth,	Frank,	O'Ferrall,	Turner, N. Y.
Bynum,	Geissenhainer,	O'Neill, Ind.	Vaux,
Campbell,	Gibson,	Outhwaite,	Wade,
Candler, Ga.	Henderson, N. C.	Owen, Ind.	Washington,
Chipman,	Houk,	Parrett,	Whiting,
Clarke, Ala.	Kerr, Pa.	Paynter,	Williams, Ill.
Clunie,	Ketcham,	Peters,	Wilson, Ky.
Connell,	Knapp,	Phelan,	Wilson, Mo.
Cooper, Ind.	Lanc,		Wilson, W. Va.
Cooper, Ohio	Lawler,		

So the previous question was ordered.

The following pairs were announced.

Until further notice:

Mr. MCKINLEY with Mr. MILLS.

Mr. BUTTERWORTH with Mr. OUTHWAITE.

Mr. ROWELL with Mr. CRISP.

Mr. KETCHAM with Mr. CLARKE, of Alabama.

Mr. MILLIKEN with Mr. DIBBLE.

Mr. WADE with Mr. DOCKERY.

Mr. FRANK with Mr. BLAND.

Mr. MCKENNA with Mr. CLUNIE.

Mr. COOPER, of Ohio, with Mr. WILSON, of Missouri.

Mr. MCCORD with Mr. FITHIAN.

Mr. BOWDEN with Mr. MCRAE.

Mr. FINLEY with Mr. GANDLER, of Georgia.

Mr. EWART with Mr. HENDERSON, of North Carolina.

Mr. WILSON, of Kentucky, with Mr. PAYNTER.

Mr. THOMAS M. BROWNE with Mr. ROGERS.

Mr. WRIGHT with Mr. GEISSENHAINER.

Mr. PETERS with Mr. MANSUR.

Mr. CONNELL with Mr. ALDERSON.

Mr. OWEN, of Indiana, with Mr. JASON B. BROWN.

For this day:

Mr. TAYLOR, of Illinois, with Mr. LAWLER.

Mr. HOUK with Mr. O'FERRALL.

Mr. DARLINGTON with Mr. KERR, of Pennsylvania, for the rest of the day.

Mr. BARTINE with Mr. WILLIAMS, of Illinois, on this bill.

Mr. DE HAVEN with Mr. BIGGS, on all questions except bankruptcy and national-bank legislation.

Mr. BARTINE. Mr. Speaker, I am paired with the gentleman from

Illinois [Mr. WILLIAMS] upon the tariff bill. If he were present, I would vote "ay."

Mr. McKENNA. Mr. Speaker, I am paired with my colleague [Mr. CLUNIE]. If he were present, I would vote "ay" on this question, and I would also vote "ay" on the question of the adoption of the conference report on the tariff bill.

Mr. COOPER, of Ohio. Mr. Speaker, I am paired with the gentleman from Missouri [Mr. WILSON]. If he were present, upon this and the adoption of the conference report he would vote "no" and I would vote "ay."

Mr. WADE. Mr. Speaker, I am paired with my colleague [Mr. DOCKERY]. If he were present, I would vote "ay" upon this question, and also upon the adoption of the conference report.

Mr. PETERS. Mr. Speaker, I am paired with the gentleman from Missouri [Mr. MANSUR]. If he were present, I would vote "ay."

The result of the vote was then announced as above recorded.

Mr. McKINLEY. Mr. Speaker, I ask for the adoption of the conference report.

Mr. McMILLIN. And upon that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 151, nays 81, not voting 94; as follows:

YEAS—151.

Adams,	Cutcheon,	Lind,	Sawyer,
Allen, Mich.	Dalzell,	Lodge,	Scranton,
Anderson, Kans.	De Lano,	Mason,	Seull,
Arnold,	Dingley,	McComas,	Sherman,
Atkinson, Pa.	Dolliver,	McCormick,	Simonds,
Atkinson, W. Va.	Dorsey,	McDuffie,	Smith, Ill.
Baker,	Dunnell,	McKinley,	Smith, W. Va.
Banks,	Evas,	Miles,	Snyder,
Bayne,	Farquhar,	Miller,	Snider,
Beckwith,	Flick,	Mollis,	Spooner,
Belden,	Flood,	Moore, N. H.	Stephenson,
Belknap,	Funston,	Morey,	Stewart, Va.
Bergen,	Gear,	Morrill,	Silvers,
Bingham,	Gest,	Morrow,	Stockbridge,
Bliss,	Gifford,	Morse,	Struble,
Boothman,	Greenhalge,	Mudd,	Sweeney,
Boutelle,	Grosvonor,	Niedringhaus,	Taylor, E. B.
Bowden,	Grout,	Nute,	Taylor, J. D.
Brewer,	Hall,	O'Donnell,	Taylor, Tenn.
Brosius,	Hansbrough,	O'Neill, Pa.	Thomas,
Brower,	Harmer,	Osborne,	Thompson,
Browne, Va.	Haugen,	Owen, Ind.	Townsend, Colo.
Buchanan, N. J.	Henderson, Ill.	Payne,	Townsend, Pa.
Burrows,	Henderson, Iowa	Payson,	Turner, Kans.
Burton,	Hermann,	Perkins,	Varney,
Caldwell,	Hill,	Pickler,	Van Schaick,
Candler, Mass.	Hitt,	Post,	Waddill,
Cannon,	Hopkins,	Pugsley,	Walker,
Carter,	Kennedy,	Quackenbush,	Wallace, Mass.
Caswell,	Kerr, Iowa	Raikes,	Wallace, N. Y.
Chadler,	Kinsey,	Randall,	Wheeler, Mich.
Chenham,	Lacey,	Ray,	Wickham,
Clark, Wis.	La Follette,	Reed, Iowa	Williams, Ohio
Cogswell,	Laidlaw,	Reyburn,	Wilson, Wash.
Comstock,	Langston,	Rife,	Wright,
Conger,	Lansing,	Rockwell,	Yardley,
Craig,	Laws,	Russell,	The Speaker.
Culbertson, Pa.	Lehibach,	Sanford,	

NAYS—81.

Abbott,	Davidson,	Kilgore,	Richardson,
Allen, Miss.	Dickerson,	Lanham,	Rusk,
Anderson, Miss.	Dunphy,	Lester, Ga.	Sayers,
Andrew,	Euloe,	Lewis,	Seney,
Barwig,	Featherston,	Maish,	Stewart, Tex.
Blount,	Fitch,	McAdoo,	Stockdale,
Breckinridge,	Flower,	McCarthy,	Stone, Ky.
Brickner,	Forney,	McClellan,	Stump,
Bookshire,	Fowler,	McCreary,	Tillman,
Buckalew,	Goodnight,	McMillin,	Tracy,
Carlton,	Grimes,	Moore, Tex.	Turner, Ga.
Caruth,	Hare,	Mitchler,	Wheeler, Ala.
Catchings,	Hatch,	Oates,	Whitthorne,
Clancy,	Hayes,	O'Neil, Mass.	Wike,
Clements,	Haynes,	Owens, Ohio	Wiley,
Cobb,	Heard,	Peel,	Wilkinson,
Coleman,	Hemphill,	Pennington,	Willcox,
Covert,	Herbert,	Pierce,	Yoder.
Cowles,	Holman,	Price,	
Crain,	Hooker,	Quinn,	
Cummings,	Kelley,	Reilly,	

NOT VOTING—94.

Alderson,	Clunie,	Gibson,	Montgomery,
Bankhead,	Connell,	Henderson, N. C.	Morgan,
Barnes,	Cooper, Ind.	Houk,	Norton,
Bartine,	Cooper, Ohio	Kerr, Pa.	O'Ferrall,
Biggs,	Cothran,	Ketcham,	O'Neill, Ind.
Blanchard,	Crisp,	Knapp,	Outhwaite,
Bland,	Culbertson, Tex.	Lane,	Parrett,
Bostner,	Dargan,	Lawler,	Paynter,
Brown, J. H.	Darlington,	Lee,	Perry,
Browne, T. M.	De Haven,	Lester, Va.	Peters,
Bruner,	Dibble,	Magner,	Phelan,
Buchanan, Va.	Dockery,	Mansur,	Robertson,
Bullock,	Edmunds,	Martin, Ind.	Rogers,
Bunn,	Ellis,	Martin, Tex.	Rowell,
Butterworth,	Ewart,	McClammy,	Rowland,
Bynum,	Finley,	McCord,	Shively,
Campbell,	Fithian,	McKenna,	Skinner,
Candler, Ga.	Forman,	McLiken,	Spinola,
Chipman,	Frank,	McRae,	Springer,
Clarke, Ala.	Geissenhainer,	Mills,	Stahnecker,

Stewart, Ga.
Stone, Mo.
Tarnsey,
Taylor, Ill.

Tucker,
Turner, N. Y.
Vaux,
Wade,

Washington,
Whiting,
Williams, Ill.
Wilson, Ky.

Wilson, Mo.
Wilson, W. Va.

So the conference report was agreed to.

Mr. BARTINE. Mr. Speaker, upon this vote I am paired with the gentleman from Illinois, Mr. WILLIAMS. If he were present, I would vote "ay."

Mr. FRANK. Mr. Speaker, I am paired with my colleague, Mr. BLAND. If he were present, I would vote "ay."

The result of the vote was then announced as above recorded.

Mr. McKINLEY moved to reconsider the vote by which the conference report was adopted; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

DATE OF ADJOURNMENT SINE DIE.

Mr. McKINLEY. Mr. Speaker, I offer the following resolution.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring). That the President of the Senate and the Speaker of the House of Representatives declare their respective Houses adjourned without day on Tuesday, the 30th day of September, at 2 o'clock p. m.

[Applause.]

The resolution was agreed to.

PRINTING OF COPIES OF THE REVENUE BILL.

Mr. McKINLEY. I ask unanimous consent for the printing of 2,000 copies of the tariff bill.

Several MEMBERS. Make it 5,000.

Mr. McKINLEY. I will modify my request so as to read that 5,000 copies of the tariff bill as it passed the House be printed.

Mr. HEARD. To be equally distributed among members of the House.

Mr. McKINLEY. To be equally distributed among the members of the House.

There was no objection, and it was so ordered.

MESSAGE FROM THE PRESIDENT.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, announced that he had approved and signed acts and resolutions of the following titles:

An act (H. R. 9486) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes;

An act (H. R. 17569) to amend certain sections of the Revised Statutes relating to lotteries, and for other purposes;

An act (H. R. 526) to authorize the Secretary of the Interior to procure and submit to Congress a proposal for the sale to the United States of the western part of the Crow Indian reservation in Montana;

An act (H. R. 11272) to authorize the Secretary of the Interior to sell certain lands, and to grant the proceeds of such sale to the town of Pelican, Oneida County, Wisconsin, for school purposes;

An act (H. R. 11570) to set apart a certain tract of land in the State of California as a public park;

An act (H. R. 2423) granting a pension to Lucy Hale;

An act (H. R. 7719) restoring the pension of Mrs. Catharine Soune;

An act (H. R. 4461) granting an increase of pension to Laura L. Wallen;

An act (H. R. 7369) to restore the pension of Jane M. McCrabb;

An act (H. R. 785) to extend the time for the redemption of school farms in Beaufort County, South Carolina;

An act (H. R. 11206) to amend section 572 of the Revised Statutes so as to provide for the holding of the regular terms of the circuit and district courts for the western district of Virginia;

An act (H. R. 3715) to amend an act entitled "An act authorizing the construction of a bridge across the Red River of the North," approved July 16, 1888;

An act (H. R. 8047) to construct a wagon bridge across the Mississippi River at Hastings, Minn.;

An act (H. R. 8792) to authorize the construction of a bridge across the Mississippi River at Winona, Minn.;

An act (H. R. 10835) to authorize the construction of a bridge across the Savannah River by the Middle Georgia and Atlantic Railway Company;

An act (H. R. 10907) to amend an act entitled "An act to authorize the Cairo and Tennessee River Railroad Company to construct bridges across the Tennessee and Cumberland Rivers," approved January 8, 1889;

An act (H. R. 11240) to authorize the construction of bridges over the Savannah, Ocmulgee, and Oconee Rivers by the Macon and Atlantic Railway Company;

An act (H. R. 11241) to authorize the Chicago, Henderson, Bowling Green and Chattanooga Railway Company to construct a bridge over Green and Barren Rivers in the State of Kentucky;

An act (H. R. 8950) to authorize Haines' Brackett, Fort Clark and Rio Grande Railroad Company to construct and operate a railway through the Fort Clark military reservation in Texas, and for other purposes;

An act (H. R. 2511) to relieve Benjamin F. Smith of the charge of desertion;

An act (H. R. 8363) to relieve Enoch Venter from the charge of desertion;

An act (H. R. 2142) for the relief of the heirs of Lewis Steelman;

An act (H. R. 8631) to create a port of entry at Eagle Pass, Tex., in lieu of Indianola, Tex.;

An act (H. R. 4041) to remove the charge of desertion against William Gibbon;

An act (H. R. 3895) to amend section 3510 of the Revised Statutes of the United States, and to provide for new designs of authorized devices of United States coins;

An act (H. R. 5596) to discontinue the coinage of the three-dollar and one-dollar gold pieces, and the three-cent nickel piece;

An act (H. R. 11662) granting a pension to Henry A. Barnum;

An act (H. R. 7079) for the relief of Thomas J. Parker;

An act (H. R. 1614) for the relief of James B. Guthrie;

An act (H. R. 4451) for the removal of the charge of desertion from the record of Daniel J. Mahoney;

An act (H. R. 8155) to grant school district numbered 7, of the township of Dearborn, Wayne County, Michigan, certain lots of land for school purposes;

An act (H. R. 7795) for the relief of certain property-owners in the city of Washington, District of Columbia;

An act (H. R. 7056) establishing a free public bathing beach on the Potomac River near Washington Monument;

An act (H. R. 6104) for the relief of Dr. Carl Rückert;

An act (H. R. 8201) to amend the Articles of War relative to the punishment on conviction by courts-martial;

An act (H. R. 11654) to provide an American register for the steamer Neptune;

An act (H. R. 1215) for the relief of Jeremiah Darling;

Joint resolution (H. Res. 170) to print eulogies on Hon. David Wilber;

Joint resolution (H. Res. 184) to print eulogies on Hon. Newton W. Nutting;

Joint resolution (H. Res. 215) to print the eulogies upon Samuel J. Randall; and

Joint resolution (H. Res. 224) authorizing the transfer of certain appropriations for the Indian service on the books of the Treasury.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced that the Senate had passed without amendment bills and a joint resolution of the following titles:

A bill (H. R. 11154) to repeal part of section 6 of an act entitled "An act to divide the State of Iowa into two judicial districts," approved July 20, 1882;

A bill (H. R. 11578) granting a pension to Rebecca A. Green; and Joint resolution (H. Res. 228) authorizing the Secretary of the Navy to purchase nickel ore or nickel matte for use in the manufacture of nickel-steel armor, and for other naval purposes.

The message also announced that the Senate agreed to the concurrent resolution of the House relative to printing report of the Civil Service Commission for the year ending June 30, 1889.

The message further announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 1810) granting a right of way to the Jamestown and Northern Railway Company through the Devil's Lake Indian reservation, in the State of North Dakota;

A bill (S. 4395) to authorize the construction of a bridge across the Missouri River at some accessible point in Boone County, in the State of Missouri;

A bill (S. 4396) authorizing the construction of a bridge across the Osage River at some accessible point in the county of Benton, in the State of Missouri; and

A bill (S. 4405) to authorize the construction of a bridge across the Missouri River at the most accessible point within 1 mile above or below the town of Quindaro, in the county of Wyandotte and State of Kansas.

The message further announced that the Senate had passed without amendment a joint resolution (H. Res. 231) to correct an error in the act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved September 19, 1890.

The message further announced that the Senate had passed with amendments the bill (H. R. 8049) to provide for the disposal of the abandoned Fort Ellis military reservation in Montana under the homestead law, and for other purposes, asked a conference with the House thereon, and had appointed Mr. PLUMB, Mr. PADDOCK, and Mr. PASCO conferees on the part of the Senate.

The message further announced that the Senate insisted on its amendment to the bill (H. R. 7966) making appropriation to construct a road and approaches from the city of Alexandria, Va., to the national cemetery near that city, agreed to the conference asked by the House thereon, and had appointed Mr. HAWLEY, Mr. MANDERSON, and Mr. WALTHALL conferees on the part of the Senate.

ENROLLED BILLS SIGNED.

Mr. KENNEDY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

A bill (H. R. 4367) for the relief of D. H. Mitchell;

A bill (H. R. 10083) for the relief of George Murray;

A bill (H. R. 11773) granting an increase of pension to Mrs. Mary R. Cushing;

A bill (H. R. 1268) to perfect the military record of James T. Hughes;

A bill (H. R. 2106) to remove the charge of desertion against Daniel W. Selleck;

A bill (H. R. 8394) to amend chapter 67, volume 23, of the Statutes at Large of the United States;

A bill (H. R. 1358) to remove the charge of desertion against John Milroy, and authorizing his honorable discharge;

A bill (H. R. 573) for the establishment of a light station and fog-signal in the vicinity of Braddock's Point, Lake Ontario, New York;

A bill (H. R. 8210) granting an increase of pension to Maria L. Caraher;

A bill (H. R. 8713) granting a pension to Rhoda Buck;

A bill (H. R. 11154) to repeal part of section 6 of an act entitled "An act to divide the State of Iowa into two judicial districts," approved July 20, 1882;

A bill (H. R. 11578) granting a pension to Rebecca A. Green;

A bill (S. 4) authorizing the establishing of a public park in the District of Columbia;

Joint resolution (H. Res. 152) providing for the printing of eulogies delivered in Congress upon the late James Laird;

Joint resolution (H. Res. 228) authorizing the Secretary of the Navy to purchase nickel ore or nickel matte for use in the manufacture of nickel-steel armor; and

Joint resolution (H. Res. 231) to correct an error in the act entitled "An act making appropriations for the construction, repairs, and preservation of certain public works on rivers and harbors, and for other purposes," approved September 19, 1890.

ORDER OF BUSINESS.

Mr. EVANS. I move to reconsider the vote by which the House on yesterday passed Senate bill No. 4081.

Mr. MORSE. What bill is that?

Mr. GROSVENOR. No action is asked; the gentleman simply makes the motion.

The SPEAKER. What is the title of the bill?

Mr. EVANS. The trust bill that was passed yesterday—the District trust bill. I do not ask any action at this time; I simply move to reconsider.

The SPEAKER. The bill has gone to the Senate and the motion is not in order at this time.

Mr. GROSVENOR. Very well; but if the reconsideration carries it can be recalled.

Mr. EVANS. Am I not in order to make the motion to reconsider, I having voted for the bill yesterday?

LEAVE TO WITHDRAW PAPERS.

By unanimous consent leave was granted—

To Mr. DAVIDSON, to withdraw from the files of the House the papers in the case of Dr. Joseph Y. Porter, without leaving copies, no report having been made thereon.

To Mr. ELLIOTT, to withdraw from the files of the House, without leaving copies, the papers in the case of B. F. Bruner.

To Mr. MUDD, to withdraw from the files of the House, without leaving copies, the papers in the case of C. H. Dexter.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted—

To Mr. YARDLEY, until Friday next, on account of death in family.

To Mr. WILLIAMS, of Illinois, indefinitely, on account of sickness in his family.

To Mr. BARNES, indefinitely, on account of sickness.

To Mr. MCRAE, on account of important business.

To Mr. MORGAN, indefinitely, on account of sickness in his family.

To Mr. NORTON, indefinitely, on account of sickness in his family.

To Mr. BANKHEAD, on account of sickness.

ANNOUNCEMENT OF CONFEREES.

The SPEAKER announced as conferees on the bill H. R. 2990 Mr. SIMONDS, Mr. CULBERTSON of Pennsylvania, and Mr. STONE of Kentucky.

Mr. MCKINLEY. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 6 o'clock and 37 minutes p. m.) the House adjourned.

RESOLUTIONS.

Under clause 3 of Rule XXII, the following resolutions were introduced and referred as follows:

By Mr. BURROWS:

Resolved, That 2,500 copies of the Digest of the second session of the Fifty-first Congress be printed and bound for the use of the House;

to the Committee on Printing.

By Mr. HENDERSON, of Iowa:

Resolved, That on Monday, September 29, the House shall proceed to the consideration of the bill of the House (H. R. 9683) for an act for the protection of property, trainmen, and other railroad employes in handling locomotive engines, freight trains, and freight cars engaged in interstate commerce, and that at 4 o'clock and 30 minutes p. m. on that day the previous question shall be considered as ordered on said bill and amendments then pending; to the Committee on Rules.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred as follows:

A bill (S. 712) for the relief of the Stockbridge tribe of Indians in the State of Wisconsin—to the Committee on Indian Affairs.

A bill (S. 1810) granting a right of way to the Jamestown and Northern Railway Company through the Devil's Lake Indian reservation in the State of North Dakota—to the Committee on Indian Affairs.

A bill (S. 3397) for the purchase of George B. Matthews's portrait of John Paul Jones—to the Committee on the Library.

A bill (S. 3482) to provide for a term of the circuit and district court at Littleton, N. H.—to the Committee on the Judiciary.

A bill (S. 3529) regulating the fees and emoluments of district attorneys, marshals, and clerks in the States of Oregon, Nevada, Idaho, Montana, Washington, North Dakota, and Wyoming—to the Committee on Expenditures in the Department of Justice.

A bill (S. 4242) to change the boundaries of the Uncompahgre reservation—to the Committee on Indian Affairs.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, reports of committees were delivered to the Clerk and disposed of as follows:

Mr. DINGLEY, from the Committee on Merchant Marine and Fisheries, reported favorably the joint resolution (H. Res. 227) relative to the International Marine Conference, accompanied by a report (No. 3208)—to the House Calendar.

Mr. SNIDER, from the Committee on Military Affairs, reported favorably the bill of the House (H. R. 8480)—to correct the military record of Patrick Mackin, accompanied by a report (No. 3209)—to the Committee of the Whole House.

Mr. O'NEILL, of Pennsylvania, from the Committee on the Library, reported favorably the following bills, which were severally referred to the Committee of the Whole House on the state of the Union:

A bill (H. R. 5951) providing for the purchase of historical manuscript relating to the District of Columbia. (Report No. 3210.)

A bill (S. 2672) authorizing the Librarian of Congress to purchase "Townsend's Library of National, State, and Individual Records, comprising a collection of historical records concerning the origin, progress, and consequences of the late civil war." (Report No. 3211.)

Mr. SIMONDS, from the Committee on War Claims, reported favorably the bill of the House (H. R. 12128) for the relief of Thomas F. Rowland, accompanied by a report (No. 3212)—to the Committee of the Whole House.

Mr. THOMAS, from the Committee on War Claims, reported favorably the bill of the Senate (S. 2538) for the relief of the legal representatives of Nicholas J. Bigley, deceased, accompanied by a report (No. 3213)—to the Committee of the Whole House.

Mr. WILLCOX, from the Committee on Claims, reported favorably the bill of the Senate (S. 1531) for the relief of the estate of John Ericsson, accompanied by a report (No. 3214)—to the Committee of the Whole House.

Mr. DE LANO, from the Committee on Pensions, reported with amendment the bill of the House (H. R. 11350) for the relief of Mary B. Clayton, accompanied by a report (No. 3215)—to the Committee of the Whole House.

He also, from the same committee, reported favorably the bill of the House (H. R. 12123) granting pension to Sophia Wenzel, accompanied by a report (No. 3216)—to the Committee of the Whole House.

BILLS AND JOINT RESOLUTIONS.

Under clause 3 of Rule XXII, a bill and a joint resolution of the following titles were introduced, severally read twice, and referred as follows:

By Mr. CARTER: A bill (H. R. 12156) to provide for the disposal of the abandoned Fort Maginnis military reservation in Montana, under the homestead and mining laws, for educational and other purposes—to the Committee on the Public Lands.

By Mr. CARTER: A joint resolution (H. Res. 232) authorizing the President to appoint Samuel R. Douglas a first lieutenant in the United States Army—to the Committee on Military Affairs.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. FUNSTON: A bill (H. R. 12157) to increase the pension of William W. Darnell—to the Committee on Invalid Pensions.

By Mr. KINSEY: A bill (H. R. 12158) granting a pension to William Jack Haines—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12159) for the relief of M. M. Lynch—to the Committee on Claims.

Also, a bill (H. R. 12160) to correct the military record of the late Valentine Steible—to the Committee on Military Affairs.

Also, a bill (H. R. 12161) for the relief of Henry Troll—to the Committee on Military Affairs.

By Mr. WICKHAM: A bill (H. R. 12162) granting an honorable discharge to Samuel Cole—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions were laid on the Clerk's desk and referred as follows:

By Mr. CARTER: Memorial of Board of Trade of Helena, Mont., urging such legislative action as may be necessary to legalize the construction of a dam across the Missouri River near Stubbs's Ferry, Montana—to the Committee on Rivers and Harbors.

By Mr. HOLMAN: Petition of W. H. Powell, of Madison, Ind., in favor of legislation for reciprocity of trade with Canada—to the Committee on Ways and Means.

By Mr. WHITTHORNE: Petition of John B. Simms, praying that his claim as administrator of the estate of Paris L. Simms, deceased, be referred to the Court of Claims—to the Committee on War Claims.

SENATE.

MONDAY, September 29, 1890.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of the proceedings of Saturday last was read and approved.

HOUSE BILLS REFERRED.

The following bills received from the House of Representatives on Saturday last were severally read twice by their titles, and referred to the Committee on Naval Affairs:

A bill (H. R. 9370) to remove the charge of desertion from the record of James Morrison, alias James C. Mackintosh; and

A bill (H. R. 11996) for the removal of the charge of desertion from the record of John Cassidy.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 1036) to remove the charge of desertion and grant an honorable discharge to William W. Carter;

A bill (H. R. 1367) to remove charge of desertion against William J. Kline;

A bill (H. R. 2593) to correct the military record of Hosea Stone;

A bill (H. R. 3501) removing the charge of desertion against Jonathan C. Huffman;

A bill (H. R. 4184) to amend the military record of William M. Porter, alias William S. Mackay;

A bill (H. R. 4707) granting a pension to Aphie M. Brown;

A bill (H. R. 4870) to relieve Charles H. Vandervoort of the charge of desertion;

A bill (H. R. 5063) for the relief of Charles W. Lambert;

A bill (H. R. 5133) for the relief of J. D. Golden;

A bill (H. R. 5537) for the relief of Warren Stamp;

A bill (H. R. 5685) for the relief of Augustus D. Hubbell;

A bill (H. R. 5687) for the relief of Uriah J. O'Neil;

A bill (H. R. 6998) to amend the record of Fayette Adams, Company I, Thirty-seventh Illinois;

A bill (H. R. 7267) to remove the charge of desertion from the service record of Charles L. Bullis;

A bill (H. R. 8067) to correct the military record of John Ragan;

A bill (H. R. 8605) to amend the military record of James P. Kirby;

A bill (H. R. 9877) directing the Secretary of War to issue an honorable discharge to Almond C. Walters;

A bill (H. R. 10166) for the relief of William J. Terney; and

A bill (H. R. 11587) for the relief of Duncan D. Cameron, late first lieutenant Ninth United States Colored Troops.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 1676) increasing the pension of Eliza B. Dorrance, widow of the late George W. Dorrance, chaplain United States Navy;

A bill (H. R. 1863) granting a pension to John Yost;

A bill (H. R. 1864) to place the name of Robert C. Kerr on the pension-roll;

A bill (H. R. 1890) to pension Winemah Riddell;

A bill (H. R. 2417) granting a pension to Jeremiah M. Sidwell;

A bill (H. R. 2434) granting a pension to Franc E. Babbitt;

A bill (H. R. 2537) to increase the pension of James A. Underwood;
 A bill (H. R. 2542) pensioning Joseph A. Blair;
 A bill (H. R. 3080) granting a pension to George S. Howard;
 A bill (H. R. 3376) granting a pension to Catherine McManus;
 A bill (H. R. 3520) granting a pension to D. G. Scooten;
 A bill (H. R. 3766) granting a pension to Joseph Dascomb;
 A bill (H. R. 4236) pensioning John George;
 A bill (H. R. 4250) granting a pension to Joseph S. Henderson;
 A bill (H. R. 4254) granting a pension to John Lindt;
 A bill (H. R. 4426) for the relief of Charles Fletcher, alias James H. Mitchell;
 A bill (H. R. 4722) granting a pension to Solomon R. Ruch;
 A bill (H. R. 4728) for the relief of Henry W. Burlingame;
 A bill (H. R. 4878) pensioning Richard Christy;
 A bill (H. R. 4894) increasing the pension of Catherine Doyle;
 A bill (H. R. 5213) granting a pension to Frederick Hart;
 A bill (H. R. 5517) granting a pension to Mrs. Susan Young;
 A bill (H. R. 5896) granting a pension to James A. Mitchell;
 A bill (H. R. 6217) granting a pension to Abbie A. Colson;
 A bill (H. R. 6297) granting a pension to Mrs. Bridget Handerrhine, widow of Daniel Handerrhine;
 A bill (H. R. 6356) for the relief of Martha A. Foster;
 A bill (H. R. 6359) for the relief of Mrs. Charity P. Harrison;
 A bill (H. R. 6392) granting a pension to Jane Boswell Moore Bristor;
 A bill (H. R. 6635) for the relief of George R. Wright;
 A bill (H. R. 6663) for the relief of James D. Smith;
 A bill (H. R. 6800) granting a pension to Anne Matlocks;
 A bill (H. R. 7125) granting a pension to Charles W. Whitney;
 A bill (H. R. 7251) granting a pension to Christian Pape;
 A bill (H. R. 7789) granting a pension to Mrs. Rachel Wright;
 A bill (H. R. 7879) granting a pension to Emily P. Collins;
 A bill (H. R. 7928) granting a pension to Jesse G. Hamilton;
 A bill (H. R. 8119) to grant a pension to Margaret Hawkins;
 A bill (H. R. 8124) granting a pension to George Everts;
 A bill (H. R. 8303) granting a pension to Malinda Lemmon;
 A bill (H. R. 8445) granting a pension to Solomon Smith;
 A bill (H. R. 8600) increasing the pension of William T. Rhodes;
 A bill (H. R. 8779) granting a pension to Mary A. Irvin, widow;
 A bill (H. R. 8856) for the relief of James A. Hull;
 A bill (H. R. 9019) granting a pension to Emma Fulton;
 A bill (H. R. 9400) granting a pension to Bazel Lemley;
 A bill (H. R. 9423) for the relief of Charles Ewing;
 A bill (H. R. 9431) granting a pension to Jane Fee;
 A bill (H. R. 9496) for the relief of Martha D. Gunnison;
 A bill (H. R. 9506) for the relief of Caroline A. Fairfax;
 A bill (H. R. 9531) to restore the pension of Susan Nelson Page;
 A bill (H. R. 9545) granting a pension to Washington Grigsby;
 A bill (H. R. 9564) for the relief of Ellen J. Wharton;
 A bill (H. R. 9583) pensioning Belinda Jane Phillips;
 A bill (H. R. 9595) for the relief of William L. Hurst, of Wolfe County, Kentucky;
 A bill (H. R. 9615) for the relief of Israel R. Pierce;
 A bill (H. R. 9767) granting an increase of pension to John S. Ferguson;
 A bill (H. R. 9772) for the relief of Margaret Malloy;
 A bill (H. R. 10054) granting a pension to Mrs. Margaret D. Marchand;
 A bill (H. R. 10106) granting an increase of pension to Christian Schaub;
 A bill (H. R. 10294) granting a pension to Matilda M. Harriman;
 A bill (H. R. 10418) to increase the pension of Thomas A. Rowley, late brigadier-general United States Volunteers;
 A bill (H. R. 10742) granting a pension to Josephine S. Hansel (late Wilson);
 A bill (H. R. 11084) granting a pension to Amanda E. Parkis;
 A bill (H. R. 11173) to increase the pension of Elias D. Thompson;
 A bill (H. R. 11243) granting a pension to Sarah H. Philp;
 A bill (H. R. 11257) granting a pension to Elizabeth M. Ayars, formerly Elizabeth M. Sutton;
 A bill (H. R. 11421) granting a pension to Elizabeth Dodge;
 A bill (H. R. 11575) granting a pension to Sylvanus B. Dorsett;
 A bill (H. R. 11604) granting a pension to Orrin Day;
 A bill (H. R. 11635) to pension Mrs. Margaret Walker;
 A bill (H. R. 11640) granting a pension to Mary B. Cook;
 A bill (H. R. 11641) granting a pension to Anna S. Shuman;
 A bill (H. R. 11987) to pension Mary Jane Martin;
 A bill (H. R. 12012) to grant a pension to Hannah B. Shepherd; and
 A bill (H. R. 12013) to pension John D. Bagby.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT. The Chair lays before the Senate a memorial which is very short, and he will direct that it be read.

The memorial was read, and referred to the Committee on Education and Labor, as follows:

To the President of the Senate of the United States:

HONORABLE AND DEAR SIR: The following resolution was passed by the De-

troit annual conference of Methodist Episcopal Church, composed of three hundred ministers:

"Resolved, That we respectfully request both Houses of the United States Congress, now in session, to refrain from holding any session for legislation on the Sabbath day; and that we authorize the presiding bishop and secretary to sign this resolution and address the same to the President of the Senate and the Speaker of the House of Representatives."

EDW. G. ANDREWS, President.
W. DAWE, Secretary.

Mr. BLAIR. I present a petition for the establishment of a school among the colored population on the Arlington estate. It is represented in the petition that there are three or four hundred colored people not under any government, without any school, growing up in absolute heathenism. I do not know what can be done about it. I move that the petition be referred to the Committee on Education and Labor, and at the next session I shall try to introduce some bill that will reach the case.

The motion was agreed to.

Mr. BLAIR presented a memorial of several hundred colored producers of cotton-seed oil, residents of the State of Arkansas, remonstrating against the passage of the Conger lard bill; which was referred to the Committee on Agriculture and Forestry.

Mr. CAMERON presented a memorial of the Retail Grocers' Protective Association, of Pittsburgh, Pa., remonstrating against the passage of the Conger lard bill; which was referred to the Committee on Agriculture and Forestry.

Mr. CHANDLER. I present the petition of George S. Douglas, Frank C. Blodgett, and 82 others, granite workers at Concord, N. H., who ask for the passage of the bill which has passed the House of Representatives and is now before the Senate, paying the claims of those American workmen who worked more than eight hours a day for the United States and have not been paid their just dues for their excessive labor, as the eight-hour law requires, and praying for the passage of the bill without any amendment which will send them to the Court of Claims, and thus delay, injure, and embarrass them in the prosecution of their just demands.

I also present the petition of James F. Rooney, James J. Gannon, and 75 other granite workers, of Concord, N. H., and the petition of H. P. Sylvester, Oscar Adams, and 93 other granite workers, of Concord, N. H., making the same prayer.

I move that the petitions lie on the table.

The motion was agreed to.

Mr. PADDOCK presented a petition of the Pleasant Hill Farmers' Alliance, of Compton, Nebr., praying for the passage of the Conger lard bill; which was referred to the Committee on Agriculture and Forestry.

He also presented the memorial of Henry H. Darling, Brother & Co., wholesale grocers, of Troy, N. Y.; the memorial of Morey & Lee, wholesale grocers, of Troy, N. Y.; the memorial of C. H. Danchy & Co., of Troy, N. Y.; the memorial of Harvey & Eddy, of Troy, N. Y.; the memorial of Flack & Co., of Troy, N. Y.; the memorial of Smith & Stevens, of Troy, N. Y.; the memorial of J. S. Rowley, merchant, of Albany, N. Y.; the memorial of L. W. Minford & Co., of Albany, N. Y.; the memorial of John D. Capron & Co., of Albany, N. Y.; the memorial of J. H. & F. A. Mead, of Albany, N. Y.; the memorial of M. B. Harriott, of Albany, N. Y.; the memorial of Squires, Sherry & Galuska, merchants, of Troy, N. Y.; the memorial of W. M. Hussey, of Albany, N. Y.; the memorial of A. McIntyre & Co., merchants, of Albany, N. Y.; the memorial of J. E. Molloy & Co., merchants, of Troy, N. Y., and the memorial of Graves, Page & Co., merchants, of Troy, N. Y., remonstrating against the passage of the Conger lard bill; which were referred to the Committee on Agriculture and Forestry.

Mr. STEWART presented a petition of the Eureka Park (Colorado) Farmers' Alliance, praying for the passage of the Conger lard bill; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of Eureka Park (Colorado) Farmers' Alliance, praying for the enactment of laws giving the circulating medium a flexible quality; which was referred to the Committee on Finance.

Mr. MANDERSON presented the petition of citizens of Harrisburgh and other places in Nebraska, praying for the passage of Senate bill 3991, known as the Paddock "pure-food" bill; which was referred to the Committee on Agriculture and Forestry.

Mr. SHERMAN presented a resolution of the South Ridge Farmers' Club, of Ohio, praying for the passage of the Conger lard bill; which was ordered to lie on the table.

Mr. ALLISON presented resolutions of Pleasant Hill Farmers' Alliance, of Jones County, Iowa; a resolution of the Prairie Farmers' Alliance, No. 1393, of Northwood, Iowa; a resolution of Pleasant Valley Farmers' Alliance, No. 1444, of Mineral Ridge, Iowa; a resolution of the Farmers' Alliance, No. 1355, of Elgin, Iowa; a resolution of Marion County Farmers' Alliance, No. 1603, of Iowa, and a resolution of the Woodbury County Farmers' Alliance, of Moville, Iowa, praying for the early consideration of the Conger lard bill; which were referred to the Committee on Agriculture and Forestry.

He also presented the petition of the Marion County (Iowa) Farmers' Alliance, praying for the passage of the Butterworth option bill, No. 5353; which was referred to the Committee on Agriculture and Forestry.

THE REVENUE BILL.

Mr. GORMAN. I have received a note from the Senator from New

Jersey [Mr. McPHERSON], who is detained at home by illness, requesting me to present a memorial from the operatives in pottery at Trenton, N. J. It is a statement by these gentlemen in connection with some remarks which the Senator from New Jersey made upon the tariff bill. The Senator will probably not be able to be in the Senate again during the present session, and in justice to these gentlemen he desired me to ask unanimous consent that the memorial, which is short, may be printed in the RECORD.

There being no objection, the memorial was ordered to lie on the table and to be printed in the RECORD, as follows:

TO THE SENATE OF THE UNITED STATES—AN OPEN LETTER TO SENATOR McPHERSON.

HEADQUARTERS POTTERS' NATIONAL UNION,
Trenton, N. J., August 30, 1890.

SIR: The executive board of the Potters' National Union, representing the organized potters of the United States, took important action regarding the tariff bill now pending in Congress at their meeting on the 25th instant. Extracts were read from your speech in the Senate on the tariff bill, reported in the CONGRESSIONAL RECORD of August 5. Your statement that neither the manufacturing potters nor the operatives had ever afforded you any proof that the latter had changed their views upon the tariff from what they had expressed in their petitions to Congress in 1878, in which they had prayed that the tariff on crockery be reduced to a revenue basis, was commented upon. At the close of the discussion it was unanimously resolved that a committee be appointed to prepare an open letter to you, embodying the sentiments and views of the operative potters upon the subject of the tariff, and we, the committee, do now discharge the duty imposed upon us.

THE PETITIONS OF 1878.

The petitions of the operative potters to Congress in 1878, praying for a reduction of the tariff to a revenue basis, had their origin in a labor trouble at the potteries, and was a retaliatory measure that grew out of the unfriendly relations that then existed between the manufacturers and the operative potters. Again, there was a large percentage of the operative potters then who had resided only a short time in this country. Their early associations, the ties of kindred, and the love of country bound these skilled workmen to the land of their birth in the Old World; and in the event of the petitions being favorably acted upon by Congress these men looked forward to a great revival of business beyond the ocean, in which they could become sharers by returning from whence they came.

These were potent influences in the origin and circulation of the petitions of 1878, which you quoted in your speech above. These conditions no longer exist.

WHAT THE POTTERS WANT.

The interests, the desires, and the aspirations of the potters of to-day are more thoroughly American than they were in 1877-78. Those skilled workmen of foreign birth, whom we welcomed so cordially to our shores in former years, have become part and parcel of our population. They have property here. Their children are growing up around them. They revere our institutions. They propose to reside here permanently. All their interests are centered here, and any legislation that would interfere with the growth and development of the pottery industry would arouse their hostility and earnest opposition.

THEY WANT NO TARIFF REDUCTION.

The operative potters want no reduction of the tariff on crockery. They are firmly impressed with the belief that the duty on crockery ought to be at least as high as is fixed by the House bill. They believe that it would be suicidal to expose the American manufacturers or operatives to unrestricted competition with the Old World's manufacturers.

The latter have a century or more of experience which gives them a great advantage. The populations are dense, and labor is poorly paid; abundant capital can be had at low rates of interest, and all these things combined would ruinously handicap the American manufacturer and result in depressions, shorter hours of employment, and an overstocked labor market at home. We want none of it.

COMPETITION FEARER THAN EVER.

It is not England alone that we have to compete with now. The products of German potteries have found their way even into Staffordshire, and have caused general alarm. Then there are the potteries of Bohemia, of Belgium, of France, and England, all seeking a market in America. With the advantages in their favor already pointed out, how could the American potter hope to carry on business against such odds? We are unwilling to try the experiment and we ask that you use your influence to erect a barrier that will act as a breakwater against what we deem to be a menace to home manufacturers.

JOHN A. O'NEILL, *National President,*
ROBERT STERLING,
MICHAEL J. CARROLL,
JOHN D. McCORMICK, *National Secretary,*
Committee.

To Hon. J. R. McPHERSON,
United States Senator from New Jersey.

NATIONAL CEMETERY ROAD AT ALEXANDRIA.

Mr. WALTHALL submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 7666) making an appropriation to construct a road and approaches from the city of Alexandria, Va., to the national military cemetery, near that city, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same.

E. C. WALTHALL,
J. R. HAWLEY,
CHAS. F. MANDERSON,
Managers on the part of the Senate.
E. S. WILLIAMS,
W. M. KINSEY,
S. W. T. LANHAM,
Managers on the part of the House.

The VICE-PRESIDENT. The report requires no action by the Senate.

REPORTS OF COMMITTEES.

Mr. DAVIS, from the Committee on Military Affairs, to whom was referred the bill (S. 4341) granting a right of way across the Fort As-

sinniboine military reservation to the Great Northern Railway, reported it without amendment, and submitted a report thereon.

Mr. GRAY, from the Committee on Naval Affairs, to whom was referred the bill (H. R. 17) to remove the charge of desertion from the record of Michael Meskell, reported it without amendment, and submitted a report thereon.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (H. R. 4788) to grant a pension to Ann Roberts, reported it without amendment, and submitted a report thereon.

Mr. DAVIS, from the Committee on Pensions, to whom was referred the bill (H. R. 10682) granting a pension to Jerusha P. Harding, reported it without amendment, and submitted a report thereon.

DISTRICT TAX ARREARAGES.

Mr. HARRIS. From the Committee on the District of Columbia I report without amendment, with the recommendation that it pass, the joint resolution (H. Res. 214) extending the "act fixing the rate of interest to be charged on arrearages of general and special taxes now due the District of Columbia, if paid within a time specified," to October 31, 1890, and I ask the unanimous consent of the Senate to consider the joint resolution at this time. It is very important that it should pass at once, if at all. If it takes two minutes I shall withdraw the request.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from Tennessee?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. STEWART introduced a bill (S. 4443) for the relief of James Broiles; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. HAWLEY introduced a bill (S. 4444) granting a pension to Julia A. Powell; which was read twice by its title, and referred to the Committee on Pensions.

Mr. INGALLS (by request) introduced a bill (S. 4445) to provide for the payment of arrears of pension on applications filed since July 1, 1880; which was read twice by its title, and referred to the Committee on Pensions.

PRINTING OF ACTS.

Mr. INGALLS. I ask an order for the printing of additional copies of public act No. 214, commonly known as the silver bill. It may be referred to the Committee on Printing, if necessary.

The order was read, as follows:

Ordered, That 500 copies of public act No. 214 be reprinted for the use of the Senate.

Mr. INGALLS. I also suggest that there is great demand for what is commonly known as the anti-trust bill, and I ask, if the clerks will be good enough to have that inserted, that it may be considered in the same order.

The VICE-PRESIDENT. The order will be so amended, and, as amended, will be referred to the Committee on Printing.

ADDITIONAL CLERK TO COMMITTEE ON ENROLLED BILLS.

Mr. SANDERS submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Enrolled Bills be, and the same is hereby, authorized to employ an additional clerk during the remainder of this present session, at a compensation of \$5 per diem, to be paid out of the contingent fund of the Senate upon vouchers to be approved by the chairman of the said committee or any two members thereof.

WITHDRAWAL OF PAPERS.

Mr. FRYE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Portland Company be allowed to withdraw their papers from the files of the Senate, a favorable report having been made in the matter of the claim, and a bill for their relief having passed both Houses and become a law.

LEASES OF COAL MINES IN CHOCTAW NATION.

Mr. DAWES. While the Senate is waiting for other business I ask unanimous consent to call up a bill that was passed over without prejudice, which I think will take no debate nor a minute's time.

Mr. BLAIR. Is the Calendar in order?

The VICE-PRESIDENT. Is there further morning business?

Mr. DAWES. It is Senate bill 4398. It has been read through and it will take but a moment. I wish to offer two slight amendments to the bill.

Mr. BLAIR. I suppose—

Mr. DAWES. If it causes any debate I shall not press it.

Mr. BLAIR. Very well; I will waive objection.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 4398) giving, upon conditions and limitations therein contained, the assent of the United States to certain leases of rights to mine coal in the Choctaw Nation.

Mr. DAWES. In the second line of the second section I move to

strike out the words "individual Indian" and insert the words "person or persons;" so as to read:

That the consent thereto given shall in no way impair or affect the rights which any person or persons or the Chickasaw Nation of Indians may have had before the passage of this act in and to the subject-matter of said leases.

The amendment was agreed to.

Mr. DAWES. I move to add at the end of section 2:

And nothing in this act contained shall be construed as validating, impairing; or in any way affecting the right of the lessors to make the same on the authority under or by virtue of which they have been executed on any other lease or leases already or hereafter made.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DISTRICT TRUST AND LOAN CORPORATIONS.

Mr. BLAIR. I call up Order of Business 1984, the bill (H. R. 11120) providing for the adjustment of accounts of laborers, workmen, and mechanics arising under the eight-hour law.

The VICE-PRESIDENT. Is there further morning business?

Mr. INGALLS. Before that motion is put, I call up a privileged question, a bill of the Senate which passed the House of Representatives with amendments, being Senate bill 4081.

The VICE-PRESIDENT. The Chair lays before the Senate the amendments of the House of Representatives to the bill (S. 4081) to provide for the incorporation of trust, loan, mortgage, and certain other corporations within the District of Columbia.

Mr. INGALLS. The amendments of the House were read on Saturday. The Senator from Wisconsin [Mr. SPOONER] moved that the Senate concur in the amendments of the House. I objected for the purpose of having time to examine them. Having done so, I withdraw my objection, and, as chairman of the committee, ask that the motion may be now acted upon.

The VICE-PRESIDENT. The question is on concurring in the amendments of the House of Representatives.

Mr. COCKRELL. Let the amendments be read again.

The VICE-PRESIDENT. The amendments of the House will be again read.

The Chief Clerk read the amendments.

Mr. COCKRELL. I should like to know what is the effect of these amendments on the original bill.

Mr. INGALLS. These amendments are all in the direction of greater strictness and security in the operation of the corporations which are provided for by the bill.

The amendments were concurred in.

SETTLERS ON NORTHERN PACIFIC INDEMNITY LANDS.

Mr. PLUMB submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5939) for the relief of settlers on Northern Pacific Railroad Indemnity lands, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate, and agree to the same with an amendment as follows:

"That those persons who, after the 15th day of August, in the year of our Lord 1887, and before the 1st day of January, in the year 1890, settled upon, improved, and made final proof on lands in the so-called second indemnity belt of the Northern Pacific Railroad Company's grant under the homestead and pre-emption laws of the United States, or their heirs, may transfer their said entries from said tracts to such other vacant surveyed Government land in compact form and in legal subdivisions, subject to entry under the homestead and pre-emption laws, as they may select, and receive final certificates and receipts therefor, in lieu of the tracts proved upon in said belt by the respective claimants: *Provided*, That such transfer of entry shall be made and completed within twelve months from the date of the passage of this act, and be so made in person by the claimant, or in case of death, by his legal representative, and without the intervention of agent or attorney.

"Sec. 3. That all persons possessing the requisite qualifications under the pre-emption or homestead laws, who in good faith settled upon and improved land in said second indemnity belt, having made filing or entry of the same, and for any reason, other than voluntary abandonment, failed to make proof thereon, may, in lieu thereof, within one year after the passage of this act, transfer their claims to any vacant surveyed Government land subject to entry under the homestead or pre-emption laws, and make proof therefor as in other cases provided; and in making such proof credit shall be given for the period of their bona fide residence and amount of their improvements upon their respective claims in the said indemnity belt, the same as if made upon the tract to which the transfer is made: *Provided*, That no final entry shall be permitted, except upon proof of continuous residence upon the land, the subject of such new entry, for a period of not less than three months prior thereto. Payment for said final selection shall be made as under existing laws. The provisions of this act shall be carried into effect under such rules and regulations as may be prescribed by the Secretary of the Interior."

P. R. PLUMB,

J. H. BERRY,

Managers on the part of the Senate.

L. E. PAYSON,

D. S. HALL,

W. S. HOLMAN,

Managers on the part of the House.

The report was concurred in.

ADJUSTMENT OF ACCOUNTS UNDER EIGHT-HOUR LAW.

The VICE-PRESIDENT. The bill called up by the Senator from New Hampshire will be announced.

The CHIEF CLERK. A bill (H. R. 11120) providing for the adjustment of accounts of laborers, workmen, and mechanics arising under the eight-hour law.

Mr. COCKRELL. Mr. President—

The VICE-PRESIDENT. The Chair will announce the conclusion of the routine business, and that the Calendar is in order for one hour.

Mr. COCKRELL. How was that bill announced?

Mr. HARRIS. That bill is the unfinished business.

Mr. COCKRELL. It does not come in the Calendar hour at all. I beg to say it does not come in this hour. It is not morning business and does not come up under the unanimous-consent rule.

The VICE-PRESIDENT. The Senator from New Hampshire called up the bill.

Mr. BLAIR. I ask unanimous consent that the bill be taken up and considered at this time.

Mr. HARRIS. I object.

Mr. BLAIR. There is scarcely any possibility of the bill becoming a law unless it shall be acted upon this morning. It is a House bill. It was pretty thoroughly considered on Saturday and before that time, and it will be remembered that the Senate adjourned on Saturday by reason of the want of a quorum. It is an important bill; it has been pending for many years, and I ask, first, unanimous consent that it be taken up now.

The VICE-PRESIDENT. The Senator will suspend. The Chair will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9416) to reduce the revenue and equalize duties on imports, and for other purposes.

The message also announced that the House had passed a concurrent resolution directing the President of the Senate and the Speaker of the House of Representatives to declare their respective Houses adjourned without day on Tuesday, the 30th day of September, at 2 o'clock p. m.; in which the concurrence of the Senate was requested.

DEFICIENCY APPROPRIATION BILL.

Mr. VOORHEES. I appeal to the Senator from New Hampshire to allow me to transact a little morning business.

Mr. HALE. I rise to a privileged question. I present a conference report.

The VICE-PRESIDENT. The Senator from Maine presents a privileged report; which will be read.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11459) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1890 and for prior years, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 13, 14, 15, 16, 17, 23, 25, 28, 29, 32, 44, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, and 151, and agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$20,000," and add at the end of said amendment, the following:

Provided, That \$5,000 of this amount may be used to supply a deficiency in the appropriation for salaries of consular officers and citizens of the United States for the fiscal year, 1890."

And the Senate agree to the same.

Amendment numbered 10: That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 10, and agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: Add to said amendment as a new paragraph the following:

"For court-house and post-office at Texarkana, Ark.: For completion, \$10,000."

And the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: Insert after the word "seven," in line 10 of said amendment, the word "hundred," and add at the end of said amendment the following:

"And the proper accounting officers of the Treasury are hereby authorized hereafter in the settlement of the accounts of the collector of customs at the port of New York to allow payments for salaries of two additional deputy surveyors at the rate of \$2,500 each per annum, and for one additional deputy naval officer at the rate of \$2,500 per annum. And such clerks and inspectors of customs as the Secretary of the Treasury may designate for the purpose shall be authorized to administer oaths, such as deputy collectors of customs are now authorized to administer, and no compensation shall be paid, or charge made therefor."

And the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: Add to said amendment as a new paragraph the following:

"To pay Edward Renaud as a clerk of class 3 in the Pension Office from May 19 to 28, 1887, \$43.96."

And the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lieu of the sum proposed, insert "\$25,000;" and the Senate agree to the same.

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: Add at the end of said amendment the following:

"Provided, That no part of said sum shall be expended unless the entire investigation, collection, and publication contemplated herein, including the report thereon, can be fully and finally completed and finished before July 1, 1891, without any additional expense, cost, or charge being incurred."

And the Senate agree to the same.

Amendment numbered 59: That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"District attorneys and assistants: For payment to district attorneys of compensation fixed by the Attorney-General for services not covered by salary or fees, being deficiencies on account of fiscal years, as follows:

"For 1890, \$5,000.

"For 1889, \$3,599.95.

"For payment of regular assistants to district attorneys, \$3,000."

"For payment of assistants to district attorneys employed by the Attorney-General to aid district attorneys in special cases, being deficiencies on account of fiscal years, as follows:

"For 1890, \$13,000.

"For payment of John G. McNutt, assistant to the United States attorney for the district of Indiana, for fees earned and services rendered by him in the circuit and district courts of the United States for said district, in customs case numbered 3725 for forfeitures, \$500.

"For 1889, \$76,931.47.

"For payment of the accounts for legal services rendered the Government as recommended by the Attorney-General and set forth in House Executive Document No. 435, Fifty-first Congress, first session, \$8,965.15.

"For miscellaneous expenses of United States courts, \$25,000."

And the Senate agree to the same.

Amendment numbered 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: After the matter inserted by said amendment insert the following:

"To pay the heirs at law of the late Senator James E. Beck \$5,000."

And the Senate agree to the same.

Amendment numbered 82: That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment as follows: Strike out the word "chairman," where it last occurs in said amendment, and insert in lieu thereof the word "chairmen;" and the Senate agree to the same.

Amendment numbered 86: That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with amendments as follows: Strike out from said amendment the word "July" and insert in lieu thereof the word "September," and add after the matter inserted by said amendment the following:

"To reimburse the Official Reporter of the Senate for moneys paid for clerical hire during the first session of the Fifty-first Congress, and for extra clerical services and expenses occasioned by the prolongation of the session, \$5,000."

And the Senate agree to the same.

Amendment numbered 87: That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment as follows: Restore the matter proposed to be stricken out by said amendment, strike therefrom the name "Wilbur" and inserting in lieu thereof the name of "Wilber;" and the Senate agree to the same.

Amendment numbered 105: That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment as follows: Insert after line 9, on page 64 of the bill, the following:

"Provided, That no one of the foregoing judgments shall be paid except upon the written certificate of the Attorney-General that the question of law which it was necessary to decide adversely to the United States in rendering such judgments is not involved in any case of the United States then pending and undecided in the Supreme Court."

And the Senate agree to the same.

Amendment numbered 108: That the House recede from its disagreement to the amendment of the Senate numbered 108, and agree to the same with an amendment as follows: Add at the end of said amendment the following:

"Provided, That no bond on such removal shall be required of the United States."

And the Senate agree to the same.

Amendment numbered 151: That the House recede from its disagreement to the amendment of the Senate numbered 151, and agree to the same with amendments as follows: Strike out lines 9 and 10, on page 2 of said amendment, and insert in lieu thereof the following:

"For contingencies of fortifications \$2,632.39.

"For contingencies of fortifications, to adjust the accounts of John C. Frémont, major-general United States Army, to be credited in his accounts, involving the payment of no money from the Treasury, \$74,768.48; and strike out lines 13 to 16 inclusive, on page 3 of said amendment, and insert in lieu thereof the following:

"For pay of claims adjudicated by board of officers, act of August 31, 1852, in the case of John C. Frémont, major-general United States Army, \$2,863.49."

And the Senate agree to the same.

Amendment numbered 152: That the House recede from its disagreement to the amendment of the Senate numbered 152, and agree to the same with amendments as follows: Insert after the word "Navy," in line 3, page 1, of said amendment, the following: "Other than claims for sea-pay service on receiving ships."

Strike out lines 1 to 4 inclusive, on page 2 of said amendment, and insert in lieu thereof the following:

"For pay of the Navy, for difference between sea and shore duty pay on receiving ships which accrued since July 16, 1890, allowed under the decision of the United States Supreme Court in the case of Strong, \$5,541.25."

Strike out lines 13 to 16 inclusive, on page 2 of said amendment, and in line 26 on page 3 of said amendment strike out "thirty-six" and insert in lieu thereof "ninety-six."

And the Senate agree to the same.

EUGENE HALE,
W. B. ALLISON,
F. M. COCKRELL,
Managers on the part of the Senate.
D. B. HENDERSON,
J. G. CANNON,
J. C. CLEMENTS,
Managers on the part of the House.

The VICE-PRESIDENT. The question is on agreeing to the conference report.

Mr. DAWES. Mr. President, I should like to make a single inquiry

of the chairman of the conference committee; that is, as to what disposition was made of the amendment of the Senate providing for the payment in part of the French spoliation claims.

Mr. HALE. That was one of the few matters in controversy really between the Senate and the House; and in the conference the House conferees came from the body that they represented after an earnest and animated contest there upon the subject, and upon which the House of Representatives, on a yea-and-nay vote, had refused to agree to the Senate amendment. Therefore, the Senate conferees found the House conferees very determined and firm in their attitude, and they refused under any circumstances to agree to the Senate amendment. Propositions were made for dividing the amount so as to avoid the question that was discussed in the House as to a portion of the claims with regard to the time when they became good claims; but that was rejected, and at last the Senate conferees were compelled to yield to the position taken by the House. I do not consider the matter by any means closed or ended. Undoubtedly it will come up at another session; but the Senate conferees became convinced that nothing could be done now, and therefore the amendment goes out.

Mr. DAWES. I have no doubt the conferees on the part of the Senate did all in their power to maintain the position of the Senate. I only desire to express my great regret that the other body did not see their way clear to pay at least a portion of the claims, so just as those claims are and so long deferred.

Mr. GORMAN. I trust the Senator from Maine in charge of this bill will favor the Senate with a statement of the features of the bill as it passed the Senate and the important changes as well as the aggregate amount the bill carries now as it comes from the committee of conference.

Mr. HALE. The bill as it originally passed the House and came to this body embraced items amounting to \$5,230,535.78. The increases made by the Senate amounted to \$2,644,955.95. The amount as it passed the Senate, therefore, was \$7,875,491.73. The net reduction in conference is \$1,209,233.21, or nearly one-half of the amount put on by the Senate. The aggregate of the bill as agreed to by the conferees is \$6,666,258.52.

The large item in the reduction from the Senate amendment is found in the French spoliation claims, which have been just adverted to. The other matter in controversy, which occupied the Senate longer than any other subject, was the amendment of \$40,000 for explorations and investigations into the irrigation of the sub-arid regions in the direction of artesian-well supplies, and at last the Senate amendment was agreed to by the House conferees with a provision that this appropriation should complete the work, including all reports and publications which shall be made by the 1st of July, 1891, so that no foundation shall be laid, and in fact the idea is entirely and absolutely negatived for the foundation of a geological bureau in the Department of Agriculture.

This work is deemed by the Representatives of the States lying beyond the ninety-second meridian as being valuable, interesting, and in the direction of giving public information which may be utilized for private uses, but this bill is now so framed as not to commit the Government in any way to another geological bureau. We have one already which is doing a great, important, and effective work, and there is no disposition on the part of the conferees of either House to interfere with that work. I think the Senate may be assured that this appropriation, valuable as we hope it may be, will be the end of the work in this direction.

The VICE-PRESIDENT. The question is on agreeing to the report. The report was concurred in.

RE-EXAMINATION OF CERTAIN CLAIMS.

The VICE-PRESIDENT. The Chair lays before the Senate—

Mr. VOORHEES. I rise to morning business. I was late this morning, not knowing the Senate met at 11. I ask leave to submit a resolution for action at the present time.

The VICE-PRESIDENT. The conference report is a privileged question and will take precedence.

Mr. VOORHEES. I ask unanimous consent. It will not occupy a moment.

The VICE-PRESIDENT. Is there objection? The Chair hears none.

Mr. HARRIS. Let the resolution be read.

The VICE-PRESIDENT. The resolution will be read.

The Chief Clerk read as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to cause the proper accounting officers of the Treasury to re-examine the claims of George F. Roberts, administrator of the estate of William B. Thayer, deceased, surviving partner of Thayer Brothers; Silas Q. Howe, surviving partner of W. T. Pate & Co.; and Henry W. Smith, surviving partner of T. and J. W. Goff & Co.; and to cause the said accounting officers to re-examine the same, and to audit and certify the sums due, and to whom due, respectively, as shall be shown to the satisfaction of the Commissioner of Internal Revenue to have been paid by claimants, or the firms they respectively represent, as tax on distilled spirits, in excess of the quantity withdrawn from bonded warehouse, and transmit said claims, when so certified, to Congress, in compliance with the second section of the act of July 7, 1854.

The resolution was considered by unanimous consent and agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11459) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1890, and for prior years, and for other purposes.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the Vice-President:

A bill (H. R. 11151) to repeal part of section 6 of an act entitled "An act to divide the State of Iowa into two judicial districts," approved July 20, 1882;

A bill (H. R. 11578) granting a pension to Rebecca A. Green; Joint resolution (H. Res. 228) authorizing the Secretary of the Navy to purchase nickel ore or nickel matte for use in the manufacture of nickel-steel armor, and for other naval purposes; and

Joint resolution (H. Res. 231) to correct an error in the act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved September 19, 1890.

THE REVENUE BILL—CONFERENCE REPORT.

Mr. BLAIR. Mr. President—

The VICE-PRESIDENT. The Chair lays before the Senate the action of the House of Representatives agreeing to the conference report on the bill (H. R. 9416) to reduce the revenue and equalize duties on imports, and for other purposes, which is a privileged matter.

Mr. ALDRICH. I present the conference report on House bill 9416.

The VICE-PRESIDENT. The report will be read.

The Chief Clerk read the report, as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9416) to reduce the revenue and equalize duties on imports, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 57, 58, 63, 65, 93, 94, 101, 101, 105, 108, 109, 122, 161, 164, 176, 191, 192, 193, 217, 218, 231, 293, 294, 295, 306, 322, 324, 335, 338, 348, 350, 354, 355, 357, 360, 361, 362, 395, 39, 397, 418, 421, 449, 444, 449, 481, 482, 483, 484, 487, 497.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 6, 7, 8, 9, 12, 14, 20, 21, 22, 24, 25, 30, 31, 32, 31, 35, 36, 37, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 56, 72, 73, 74, 75, 76, 77, 79, 80, 81, 82, 83, 84, 91, 92, 99, 100, 102, 104, 107, 110, 111, 112, 113, 114, 115, 120, 121, 122, 127, 130, 131, 131, 133, 136, 137, 140, 141, 142, 143, 144, 145, 146, 147, 148, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 179, 180, 182, 184, 185, 186, 187, 189, 195, 224, 225, 226, 227, 228, 229, 234, 238, 239, 240, 243, 244, 245, 246, 254, 261, 262, 263, 264, 265, 266, 267, 268, 270, 274, 275, 276, 277, 278, 280, 282, 283, 284, 285, 286, 287, 288, 289, 291, 292, 299, 300, 301, 304, 305, 307, 310, 316, 319, 321, 322, 326, 328, 3, 2, 334, 336, 337, 339, 340, 342, 343, 347, 349, 351, 353, 358, 359, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 373, 374, 375, 377, 378, 383, 384, 385, 386, 387, 389, 392, 393, 394, 398, 399, 400, 402, 403, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 419, 420, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 451, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 488, 489, 490, 492, 493, 496; and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: Striking out the word "first," in line 1 of the bill, and inserting in lieu thereof the word "sixth;" and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment striking out the paragraph and inserting in lieu thereof the following:

"6. Tannic acid or tannin, 75 cents per pound."

And the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment striking out the paragraph and inserting in lieu thereof the following:

"18. All coal-tar colors or dyes, by whatever name known, and not specially provided for in this act, 35 per cent. ad valorem."

And the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: Striking out the paragraph and inserting in lieu thereof the following:

"19. All preparations of coal-tar, not colors or dyes, not specially provided for in this act, 20 per cent. ad valorem."

And the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: Striking out the paragraph and inserting in lieu thereof the following:

"28. Extracts and decoctions of logwood and other dye-woods, extract of sumac, and extracts of barks, such as are commonly used for dyeing or tanning, not specially provided for in this act, seven-eighths of 1 cent per pound; extracts of hemlock bark, one-half of 1 cent per pound."

And the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment striking out the paragraph and inserting in lieu thereof as follows:

"28. Glycerine, crude, not purified, 1 1/2 cents per pound; refined, 4 1/2 cents per pound."

And the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment striking out the paragraph and inserting in lieu thereof as follows:

"23. Licorice, extracts of, in paste, rolls, or other forms, 5 1/2 cents per pound."

And the Senate agree to the same.

Amendments numbered 17, 18, and 19: That the House recede from its disagreement to the amendments of the Senate numbered 17, 18, and 19, and agree

to the same with amendments striking out the paragraph and inserting in lieu as follows:

"30. Alizarine assistant, or soluble oil, or oleate of soda, or Turkey red oil, containing 50 per cent. or more of castor oil, 80 cents per gallon; containing less than 50 per cent. of castor oil, 40 cents per gallon; all other, 30 per cent. ad valorem."

And the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment striking out the paragraph and inserting in lieu thereof as follows:

"45. Peppermint oil, 80 cents per pound."

And the Senate agree to the same.

Amendments numbered 26 and 27: That the House recede from its disagreement to the amendments of the Senate numbered 26 and 27, and agree to the same with amendments by striking out the paragraph and inserting in lieu thereof as follows:

"49. Baryta, sulphate of, or barytes, including barytes earth, unmanufactured, \$1.12 per ton; manufactured, \$6.72 per ton."

And the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment striking out the paragraph and inserting in lieu thereof as follows:

"50. Blues, such as Berlin, Prussian, Chinese, and all others, containing ferrocyanide of iron, dry or ground in or mixed with oil, 6 cents per pound; in pulp or mixed with water, 6 cents per pound on the material contained therein when dry."

And the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment striking out the paragraph and inserting in lieu thereof as follows:

"53. Chrome yellow, chrome green, and all other chromium colors in which lead and bichromate of potash or soda are component parts, dry, or ground in or mixed with oil, 4 1/2 cents per pound; in pulp or mixed with water, 4 1/2 cents per pound on the material contained therein when dry."

And the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment striking out the paragraph and inserting in lieu thereof as follows:

"All paints and colors, mixed or ground with water or solutions other than oil, and commercially known as artists' water-color paints, 30 per cent. ad valorem."

And the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment striking out the paragraph and inserting in lieu thereof as follows:

"65. Phosphorus, 20 cents per pound."

And the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment striking out the paragraph and inserting in lieu thereof as follows:

"85. Sulphate of soda, or salt-cake or niter-cake, \$1.25 per ton."

And the Senate agree to the same.

Amendment numbered 54: That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment striking out the paragraph and inserting in lieu thereof as follows:

"88. Sulphur, refined, \$8 per ton; sublimed, or flowers of, \$10 per ton."

And the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment striking out the paragraph and inserting in lieu thereof as follows:

"89. Sumac, ground, four-tenths of 1 cent per pound."

And the Senate agree to the same.

Amendment numbered 59: That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment striking out the paragraph and inserting in lieu thereof as follows:

"101. All other china, porcelain, parian, bisque, earthen, stone, and crockery ware, and manufactures of the same, by whatever designation or name known in the trade, including lava tips for burners, not specially provided for in this act, if ornamented or decorated in any manner, 60 per cent. ad valorem; if not ornamented or decorated, 55 per cent. ad valorem."

And the Senate agree to the same.

Amendment numbered 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment striking out the paragraph and inserting in lieu thereof as follows:

"103. Green, and colored, molded or pressed, and flint and lime glass bottles, holding more than one pint, and demijohns, and carboys (covered or uncovered), and other molded or pressed green and colored flint or lime bottle glassware, not specially provided for in this act, 1 cent per pound. Green, and colored, molded or pressed and flint and lime glass bottles, and vials holding not more than one pint and not less than one-quarter of a pint, 1 1/2 cents per pound; if holding less than one-fourth of a pint, 50 cents per gross."

And the Senate agree to the same.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment striking out the paragraph and inserting in lieu thereof as follows:

"105. Flint and lime, pressed glassware, not cut, engraved, painted, etched, decorated, colored, printed, stained, silvered, or gilded, 60 per cent. ad valorem."

And the Senate agree to the same.

Amendment numbered 62: That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment striking out the paragraph and inserting in lieu thereof as follows:

"108. All articles of glass, cut, engraved, painted, colored, printed, stained, decorated, silvered, or gilded, not including plate-glass silvered, or looking-glass plates, 60 per cent. ad valorem."

And the Senate agree to the same.

Amendment numbered 64: That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment striking out the paragraph and inserting in lieu thereof as follows:

"108. Thin blown glass, blown with or without a mold, including glass chimneys and all other manufactures of glass, or of which glass shall be the component material of chief value, not specially provided for in this act, 60 per cent. ad valorem."

And the Senate agree to the same.

Amendment No. 65: That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment striking out the paragraph and inserting in lieu thereof as follows:

"109. Heavy blown glass, blown with or without a mold, not cut or decorated, finished or unfinished, 60 per cent. ad valorem."

And the Senate agree to the same.

Amendment numbered 66: That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment striking out the paragraph and inserting in lieu thereof as follows:

"110. Porcelain or opal glassware, 60 per cent. ad valorem."

And the Senate agree to the same.

Amendments numbered 67, 68, 69, 70, and 71: That the House recede from its

disagreement to the amendments of the Senate numbered 67, 68, 69, 70, and 71, and agree to the same with an amendment striking out the paragraph and inserting in lieu thereof as follows:

"112. Unpolished cylinder, crown, and common window glass, not exceeding 10 by 15 inches square, 1½ cents per pound; above that, and not exceeding 16 by 24 inches square, 1½ cents per pound; above that, and not exceeding 24 by 30 inches square, 2½ cents per pound; above that, and not exceeding 24 by 36 inches square, 2½ cents per pound; all above that, 3½ cents per pound: *Provided*, That unpolished cylinder, crown, and common window glass imported in boxes shall contain 50 square feet, as nearly as sizes will permit, and the duty shall be computed thereon according to the actual weight of glass."

And the Senate agree to the same.

Amendment numbered 78: That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment striking out the paragraph and inserting in lieu thereof as follows:

"122. All stained or painted window-glass and stained or painted glass windows, and hand, pocket, or table mirrors not exceeding in size 14 square inches, with or without frames or cases, of whatever material composed, lenses of glass or pebble, wholly or partly manufactured, and not specially provided for in this act, and fusible enamel, 45 per cent. ad valorem."

And the Senate agree to the same.

Amendments numbered 86, 87, 88, 89, and 90: That the House recede from its disagreement to the amendments of the Senate numbered 86, 87, 88, 89, and 90, and agree to the same with an amendment striking out the paragraph and inserting in lieu thereof as follows:

"138. Boiler or other plate iron or steel, except saw-plates hereinafter provided for, not thinner than No. 10 wire gauge, sheared or unsheared, and skelp iron or steel sheared or rolled in grooves, valued at 1 cent per pound or less, five-tenths of 1 cent per pound; valued above 1 cent and not above 1.4 cents per pound, sixty-five hundredths of 1 cent per pound; valued above 1.4 cents and not above 2 cents per pound, eight-tenths of 1 cent per pound; valued above 2 cents and not above 3 cents per pound, 1.1 cents per pound; valued above 3 cents and not above 4 cents per pound, 1.5 cents per pound; valued above 4 cents and not above 7 cents per pound, 2 cents per pound; valued above 7 cents and not above 10 cents per pound, 2.8 cents per pound; valued above 10 cents and not above 13 cents per pound, 3½ cents per pound; valued above 13 cents per pound, 45 per cent. ad valorem: *Provided*, That all plate iron or steel thinner than No. 10 wire gauge shall pay duty as iron or steel sheets."

And the Senate agree to the same.

Amendments numbered 94, 95, 96, and 97: That the House recede from its disagreement to the amendments of the Senate numbered 94, 95, 96, and 97, and agree to the same with an amendment striking out the paragraph and inserting in lieu thereof the following:

"143. All iron or steel sheets or plates, and all hoop, band, or scroll iron or steel, excepting what are known commercially as tin-plates, terne-plates, and taggers tin, and hereinafter provided for, when galvanized or coated with zinc or spelter, or other metals, or any alloy of those metals, shall pay three-fourths of 1 cent per pound more duty than the rates imposed by the preceding paragraph upon the corresponding gauges or forms of common or black sheet or taggers iron or steel; and on and after July 1, 1891, all iron or steel sheets, or plates, or taggers iron coated with tin or lead or with a mixture of which these metals or either of them is a component part, by the dipping or any other process, and commercially known as tin-plates, terne-plates, and taggers tin, shall pay 2½ cents per pound: *Provided*, That on and after July 1, 1891, manufactures of which tin, tin-plates, terne-plates, taggers tin, or either of them, are component materials of chief value, and all articles, vessels, or wares manufactured, stamped, or drawn from sheet-iron or sheet-steel, such material being component of chief value, and coated wholly or in part with tin or lead or a mixture of which these metals or either of them is a component part, shall pay a duty of 55 per cent. ad valorem: *Provided further*, That on and after October 1, 1897, tin-plates and terne-plates lighter in weight than 63 pounds per hundred square feet shall be admitted free of duty, unless it shall be made to appear to the satisfaction of the President (who shall thereupon by proclamation make known the fact) that the aggregate quantity of such plates lighter than 63 pounds per hundred square feet produced in the United States during either of the six years next preceding June 30, 1897, has equaled one-third the amount of such plates imported and entered for consumption during any fiscal year after the passage of this act, and prior to said October 1, 1897: *Provided*, That the amount of such plates manufactured into articles exported, and upon which a drawback shall be paid, shall not be included in ascertaining the amount of such importations: *And provided further*, That the amount or weight of sheet-iron or sheet-steel manufactured in the United States and applied or wrought in the manufacture of articles or wares tinued or terne-plated in the United States, with weight allowance as sold to manufacturers or others, shall be considered as tin and terne plates produced in the United States within the meaning of this act."

And the Senate agree to the same.

Amendment numbered 108: That the House recede from its disagreement to the amendment of the Senate numbered 108, and agree to the same with an amendment striking out the paragraph and inserting in lieu thereof the following:

"152. On all iron or steel bars or rods of whatever shape or section, which are cold rolled, cold hammered, or polished in any way in addition to the ordinary process of hot rolling or hammering, there shall be paid one-fourth of 1 cent per pound in addition to the rates provided in this act; and on all strips, plates, or sheets of iron or steel of whatever shape, other than the polished, planished, or glanced sheet-iron or sheet-steel hereinafter provided for, which are cold rolled, cold hammered, blue, brightened, tempered, or polished by any process to such perfected surface finish, or polish better than the grade of cold rolled, smooth only, hereinafter provided for, there shall be paid 1½ cents per pound in addition to the rates provided in this act upon plates, strips, or sheets of iron or steel of common or black finish; and on steel circular-saw plates there shall be paid 1 cent per pound in addition to the rate provided in this act for steel saw plates."

And the Senate agree to the same.

Amendments numbered 115 and 116: That the House recede from its disagreement to the amendments of the Senate numbered 115 and 116, and agree to the same with an amendment striking out the paragraph and inserting in lieu thereof as follows:

"186. Aluminum or aluminium, in crude form, alloys of any kind in which aluminum is the component material of chief value, 15 cents per pound."

And the Senate agree to the same.

Amendments numbered 117 and 118: That the House recede from its disagreement to the amendments of the Senate numbered 117 and 118, and agree to the same with an amendment striking out the paragraph and inserting in lieu thereof the following:

"190. Bronze powder, 12 cents per pound; bronze or Dutch-metal, or aluminium, in leaf, 8 cents per package of 100 leaves."

And the Senate agree to the same.

Amendments numbered 123, 124, 125, and 126: That the House recede from its disagreement to the amendments of the Senate numbered 123, 124, 125, and 126, and agree to the same with an amendment striking out the paragraph and inserting in lieu thereof the following:

"191. Ballions and metal thread of gold, silver, or other metals, not specially provided for in this act, 30 per cent. ad valorem."

And the Senate agree to the same.

Amendment numbered 128: That the House recede from its disagreement to the amendment of the Senate numbered 128, and agree to the same with an amendment striking out the paragraph and inserting in lieu thereof as follows:

"203. Nickel, nickel oxide, alloy of any kind in which nickel is the component material of chief value, 10 cents per pound."

And the Senate agree to the same.

Amendment numbered 129: That the House recede from its disagreement to the amendment of the Senate numbered 129, and agree to the same with an amendment striking out the paragraph and inserting in lieu thereof as follows:

"209. Tin: On and after July 1, 1893, there shall be imposed and paid upon cassiterite or black oxide of tin, and upon bar, block, and pig tin, a duty of 4 cents per pound: *Provided*, That unless it shall be made to appear to the satisfaction of the President of the United States (who shall make known the fact by proclamation) that the product of the mines of the United States shall have exceeded 5,000 tons of cassiterite, and bar, block, and pig tin in any one year prior to July 1, 1895, then all imported cassiterite, bar, block, and pig tin shall, after July 1, 1895, be admitted free of duty."

And the Senate agree to the same.

Amendment numbered 133: That the House recede from its disagreement to the amendment of the Senate numbered 133, and agree to the same with an amendment striking out the word "ten"; and the Senate agree to the same.

Amendment numbered 139: That the House recede from its disagreement to the amendment of the Senate numbered 139, and agree to the same with an amendment as follows: Striking out the paragraph and inserting in lieu thereof the following:

"219. Cedar: That on and after March 1, 1891, paving posts, railroad ties, and telephone and telegraph poles of cedar, shall be dutiable at 20 per cent. ad valorem."

And the Senate agree to the same.

Amendment numbered 139: That the House recede from its disagreement to the amendment of the Senate numbered 139, and agree to the same with an amendment as follows: Striking out the paragraph and inserting in lieu thereof the following:

"220. Sawed boards, plank, deals, and all forms of sawed cedar, lignum-vitæ, lancewood, ebony, box, granadilla, mahogany, rosewood, satinwood, and all other cabinet-woods not further manufactured than sawed, 15 per cent. ad valorem; veneers of wood, and wood, unmanufactured, not specially provided for in this act, 20 per cent. ad valorem."

And the Senate agree to the same.

Amendment numbered 149: That the House recede from its disagreement to the amendment of the Senate numbered 149, and agree to the same with an amendment as follows: Striking out the paragraph and inserting in lieu thereof the following:

"231. That on and after July 1, 1891, and until July 1, 1905, there shall be paid, from any moneys in the Treasury not otherwise appropriated, under the provisions of section 3699 of the Revised Statutes, to the producer of sugar testing not less than 90 degrees by the polariscope, from beets, sorghum, or sugar-cane grown within the United States, or from maple sap produced within the United States, a bounty of 2 cents per pound; and upon such sugar testing less than 90 degrees by the polariscope and not less than 80 degrees a bounty of 1½ cents per pound, under such rules and regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe."

And the Senate agree to the same.

Amendments numbered 162 and 163: That the House recede from its disagreement to the amendments of the Senate numbered 162 and 163, and agree to the same with an amendment as follows: Strike out the paragraph and insert in lieu thereof the following:

"237. All sugars above No. 16, Dutch standard in color, shall pay a duty of five-tenths of 1 cent per pound: *Provided*, That all such sugars above No. 16, Dutch standard in color, shall pay one-tenth of 1 cent per pound in addition to the rate herein provided for, when exported from, or the product of any country when and so long as such country pays or shall hereafter pay, directly or indirectly, a bounty on the exportation of any sugar that may be included in this grade, which is greater than is paid on raw sugars of a lower saccharine strength; and the Secretary of the Treasury shall prescribe suitable rules and regulations to carry this provision into effect: *And provided further*, That all machinery purchased abroad and erected in a beet-sugar factory and used in the production of raw sugar in the United States from beets produced therein shall be admitted duty free until the 1st day of July, 1892: *Provided*, That any duty collected on any of the above-described machinery purchased abroad and imported into the United States for the uses above indicated since January 1, 1890, shall be refunded."

And the Senate agree to the same.

Amendment numbered 165: That the House recede from its disagreement to the amendment of the Senate numbered 165, and agree to the same with an amendment as follows: Strike out the paragraph and insert in lieu thereof the following:

"241. That the provisions of this act providing terms for the admission of imported sugars and molasses and for the payment of a bounty on sugars of domestic production shall take effect on the 1st day of April, 1891: *Provided*, That on and after the 1st day of March, 1891, and prior to the 1st day of April, 1891, sugars not exceeding No. 16 Dutch standard in color may be refined in bond without payment of duty, and such refined sugars may be transported in bond and stored in bonded warehouse at such points of destination as are provided in existing laws relating to the immediate transportation of dutiable goods in bond, under such rules and regulations as shall be prescribed by the Secretary of the Treasury."

And the Senate agree to the same.

Amendments numbered 177 and 178: That the House recede from its disagreement to the amendments of the Senate numbered 177 and 178, and agree to the same with an amendment as follows: Striking out the paragraph and inserting in lieu thereof the following:

"281. Pease, green, in bulk or in barrels, sacks or similar packages, 40 cents per bushel of 60 pounds; pease, dried, 20 cents per bushel; split peas, 50 cents per bushel of 60 pounds; pease in cartons, papers, or other small packages, 1 cent per pound."

And the Senate agree to the same.

Amendment numbered 181: That the House recede from its disagreement to the amendment of the Senate numbered 181, and agree to the same with an amendment as follows: Striking out the paragraph and inserting in lieu thereof the following:

"293. Fish, smoked, dried, salted, pickled, frozen, packed in ice, or otherwise prepared for preservation, and fresh fish not specially provided for in this act, three-fourths of 1 cent per pound."

And the Senate agree to the same.

Amendment numbered 183: That the House recede from its disagreement to the amendment of the Senate numbered 183, and agree to the same with an amendment as follows: Strike out the paragraph and insert in lieu thereof the following:

"301. Oranges, lemons, and limes, in packages of capacity of 1½ cubic feet or less, 13 cents per package; in packages of capacity exceeding 1½ cubic feet and not exceeding 2½ cubic feet, 25 cents per package; in packages of capacity exceeding 2½ cubic feet and not exceeding 5 cubic feet, 50 cents per package; in packages of capacity exceeding 5 cubic feet, for every additional cubic foot or fractional part thereof, 10 cents; in bulk, \$1.50 per one thousand, and in addi-

tion thereto a duty of 30 per cent. ad valorem upon the boxes or barrels containing such oranges, lemons, or limes."

And the Senate agree to the same.

Amendment numbered 189: That the House recede from its disagreement to the amendment of the Senate numbered 188, and agree to the same with an amendment as follows: Striking out the paragraph and inserting in lieu thereof the following:

"318. Chocolate (other than chocolate confectionery and chocolate commercially known as sweetened chocolate), 2 cents per pound."

And the Senate agree to the same.

Amendment numbered 190: That the House recede from its disagreement to the amendment of the Senate numbered 190, and agree to the same with an amendment as follows: Striking out the paragraph and inserting in lieu thereof the following:

"321. Dextrine, burial starch, gum substitute, or British gum, 1½ cents per pound."

And the Senate agree to the same.

Amendment numbered 191: That the House recede from its disagreement to the amendment of the Senate numbered 191, and agree to the same with an amendment as follows: Striking out the paragraph and inserting in lieu thereof the following:

"329. Brandy and other spirits manufactured or distilled from grain or other materials, and not specially provided for in this act, \$2.50 per proof gallon."

And the Senate agree to the same.

Amendments numbered 196 to and including 223: That the House recede from its disagreement to the amendments of the Senate numbered 196 to and including 223, and agree to the same with amendments as follows: Striking out the paragraphs and inserting in lieu thereof the following:

"332. Cordials, liquors, arrack, absinthe, kirchwasser, ratafia, and other spirituous beverages or blitters of all kinds containing spirits, and not specially provided for in this act, \$2.50 per proof gallon."

"333. No lower rate or amount of duty shall be levied, collected, and paid on brandy, spirits, and other spirituous beverages than that fixed by law for the description of first proof; but it shall be increased in proportion for any greater strength than the strength of first proof, and all imitations of brandy or spirits or wines imported by any names whatever shall be subject to the highest rate of duty provided for the genuine articles respectively intended to be represented, and in no case less than \$1.50 per gallon."

"334. Bay-rum or bay-water, whether distilled or compounded, of first proof, and in proportion for any greater strength than first proof, \$1.50 per gallon."

"335. Champagne and all other sparkling wines, in bottles containing each not more than 1 quart and more than 1 pint, \$4 per dozen; containing not more than 1 pint each and more than one-half pint, \$4 per dozen; containing not more than one-half pint each or less, \$2 per dozen; in bottles or other vessels containing more than 1 quart each, in addition to \$6 per dozen bottles, on the quantity in excess of 1 quart at the rate of \$2.50 per gallon."

"336. Still wines, including ginger wine or ginger cordial and vermouth, in casks, 50 cents per gallon; in bottles or jugs, per case of one dozen bottles or jugs, containing each not more than 1 quart and more than 1 pint, or twenty-four bottles or jugs, containing each not more than 1 pint, \$1.50 per case; and any excess beyond these quantities found in such bottles or jugs shall be subject to a duty of 5 cents per pint or fractional part thereof, but no separate or additional duty shall be assessed on the bottles or jugs: *Provided*, That any wines, ginger cordial, or vermouth imported containing more than 24 per cent. of alcohol shall be forfeited to the United States: *And provided further*, That there shall be no constructive or other allowance for breakage, leakage, or damage on wines, liquors, cordials, or distilled spirits. Wines, cordials, brandy, and other spirituous liquors imported in bottles or jugs shall be packed in packages containing not less than one dozen bottles or jugs in each package; and all such bottles or jugs shall pay an additional duty of 3 cents for each bottle or jug, unless specially provided for in this act."

"337. Ale, porter, and beer, in bottles or jugs, 40 cents per gallon, but no separate or additional duty shall be assessed on the bottles or jugs; otherwise than in bottles or jugs, 20 cents per gallon."

"338. Malt extract, fluid, in casks, 20 cents per gallon; in bottles or jugs, 40 cents per gallon; solid or condensed, 40 cents per gallon."

"339. Cherry juice and prune juice, or prune wine, and other fruit juices, not specially provided for in this act, containing not more than 15 per cent. of alcohol, 40 cents per gallon; if containing more than 15 per cent. of alcohol, \$2.50 per proof gallon."

"340. Ginger-ale, ginger-beer, lemonade, soda-water, and other similar waters in plain green or colored molded or pressed glass bottles, containing each not more than three-fourths of a pint, 15 cents per dozen; containing more than three-fourths of a pint each and not more than 1½ pints, 25 cents per dozen; but no separate or additional duty shall be assessed on the bottles; if imported otherwise than in plain green or colored molded or pressed glass bottles, or in such bottles containing more than 1½ pints each, 50 cents per gallon and in addition thereto duty shall be collected on the bottles, or other coverings, at the rates which would be chargeable thereon if imported empty."

"341. All mineral waters, and all imitations of natural mineral waters, and all artificial mineral waters not specially provided for in this act, in plain green or colored glass bottles, containing not more than 1 pint, 15 cents per dozen bottles. If containing more than 1 pint and not more than 1 quart, 25 cents per dozen bottles. But no separate duty shall be assessed upon the bottles. If imported otherwise than in plain green or colored glass bottles or if imported in such bottles containing more than 1 quart, 30 cents per gallon, and in addition thereto duty shall be collected upon the bottles or other covering at the same rates that would be charged if imported empty or separately."

And the Senate agree to the same.

Amendment numbered 230: That the House recede from its disagreement to the amendment of the Senate numbered 230, and agree to the same with an amendment as follows: Striking out the paragraph and inserting in lieu thereof the following:

"*Provided*, That all such clothing ready made and articles of wearing apparel having India rubber as a component material (not including gloves or elastic articles that are specially provided for in this act) shall be subject to a duty of 50 cents per pound, and in addition thereto 50 per cent. ad valorem."

And the Senate agree to the same.

Amendments numbered 231 and 232: That the House recede from its disagreement to the amendments of the Senate numbered 231 and 232, and agree to the same with amendments as follows: Striking out the paragraph and inserting in lieu thereof the following:

"350. Plushes, velvets, velveteens, corduroys, and all pile fabrics composed of cotton or other vegetable fiber, not bleached, dyed, colored, stained, painted, or printed, 10 cents per square yard and 20 per cent. ad valorem; on all such goods if bleached, 12 cents per square yard and 20 per cent. ad valorem; if dyed, colored, stained, painted, or printed, 14 cents per square yard and 20 per cent. ad valorem; but none of the foregoing articles in this paragraph shall pay a less rate of duty than 40 per cent. ad valorem."

"351. Chenille curtains, table covers, and all goods manufactured of cotton chenille, or of which cotton chenille forms the component material of chief value, 60 per cent. ad valorem."

And the Senate agree to the same.

Amendment numbered 233: That the House recede from its disagreement to

the amendment of the Senate numbered 233, and agree to the same with an amendment as follows: Striking out the paragraph and inserting in lieu thereof the following:

"353. Stockings, hose, and half-hose, selvaged, fashioned, narrowed, or shaped wholly or in part by knitting-machines or frames, or knit by hand, including such as are commercially known as seamless stockings, hose or half-hose, all of the above, composed of cotton or other vegetable fiber, finished or unfinished, valued at not more than 60 cents per dozen pairs, 20 cents per dozen pairs, and in addition thereto 20 per cent. ad valorem; valued at more than 60 cents per dozen pairs and not more than \$2 per dozen pairs, 50 cents per dozen pairs, and in addition thereto 30 per cent. ad valorem; valued at more than \$2 per dozen pairs, and not more than \$4 per dozen pairs, 75 cents per dozen pairs, and in addition thereto 40 per cent. ad valorem; valued at more than \$4 per dozen pairs, \$1 per dozen pairs, and in addition thereto 40 per cent. ad valorem; and all shirts and drawers composed of cotton or other vegetable fiber, valued at more than \$1.50 per dozen and not more than \$3 per dozen, \$1 per dozen, and in addition thereto, 35 per cent. ad valorem; valued at more than \$3 per dozen and not more than \$5 per dozen, \$1.25 per dozen, and in addition thereto, 40 per cent. ad valorem; valued at more than \$5 per dozen and not more than \$7 per dozen, \$1.50 per dozen, and in addition thereto, 40 per cent. ad valorem; valued at more than \$7 per dozen, \$2 per dozen, and in addition thereto, 40 per cent. ad valorem."

And the Senate agree to the same.

Amendments numbered 235, 236, and 237: That the House recede from its disagreement to the amendments of the Senate numbered 235, 236, and 237, and agree to the same with amendments as follows: Striking out the paragraphs and inserting in lieu thereof the following:

"357. Flax, not hackled or dressed, 1 cent per pound."

"358. Flax, hackled, known as 'dressed line,' 3 cents per pound."

"360. Tow, of flax or hemp, one-half of 1 cent per pound."

And the Senate agree to the same.

Amendments numbered 241 and 242: That the House recede from its disagreement to the amendments of the Senate numbered 241 and 242, and agree to the same with amendments as follows: Striking out the paragraph and inserting in lieu thereof the following:

"363. Cables, cordage, and twine (except binding-twine composed wholly of manila or sisal-grass), 14 cents per pound; all binding-twine manufactured in whole or in part from jute or Tampico fiber, manila, sisal-grass, or sunn, seven-tenths of 1 cent per pound; cables and cordage made of hemp, 2½ cents per pound; tarred cables and cordage, 3 cents per pound."

And the Senate agree to the same.

Amendments numbered 249 and 250: That the House recede from its disagreement to the amendments of the Senate numbered 249 and 250, and agree to the same with an amendment as follows: Striking out the paragraph and inserting in lieu thereof the following:

"367. Flax gill-netting, nets, webs, and seines, when the thread or twine of which they are composed is made of yarn of a number not higher than 20, 15 cents per pound and 35 per cent. ad valorem; when made of threads or twines the yarn of which is finer than number 20, 20 cents per pound, and in addition thereto 45 per cent. ad valorem."

And the Senate agree to the same.

Amendments numbered 252 and 253: That the House recede from its disagreement to the amendments of the Senate numbered 252 and 253, and agree to the same with amendments as follows: Striking out the paragraphs and inserting in lieu thereof the following:

"370. Yarns or threads composed of flax or hemp, or of a mixture of either of these substances, valued at 13 cents or less per pound, 6 cents per pound; valued at more than 13 cents per pound, 45 per cent. ad valorem."

"371. All manufactures of flax or hemp, or of which these substances, or either of them, is the component material of chief value, not specially provided for in this act, 50 per cent. ad valorem: *Provided*, That until January 1, 1904, such manufactures of flax containing more than 100 threads to the square inch, counting both warp and filling, shall be subject to a duty of 35 per cent. ad valorem in lieu of the duty herein provided."

And the Senate agree to the same.

Amendment numbered 255: That the House recede from its disagreement to the amendment of the Senate numbered 255, and agree to the same with an amendment as follows: Striking out the amendment and inserting in lieu thereof the following: "Shirts, and all articles of wearing apparel of every description, not specially provided for in this act, composed wholly or in part of linen, 55 per cent. ad valorem;" and the Senate agree to the same.

Amendments numbered 256, 257, 258, and 259: That the House recede from its disagreement to the amendments of the Senate numbered 256, 257, 258, and 259, and agree to the same with amendments as follows: Striking out the paragraphs and inserting in lieu thereof the following:

"373. Laces, edgings, embroideries, insertings, neck ruffings, rushings, trimmings, tuckings, lace window-curtains, and other similar tambooured articles, and articles embroidered by hand or machinery, embroidered and hem-stitched handkerchiefs, and articles made wholly or in part of lace, ruffings, tuckings, or rushings, all of the above-named articles, composed of flax, jute, cotton, or other vegetable fiber, or of which these substances or either of them, or a mixture of any of them, is the component material of chief value, not specially provided for in this act, 60 per cent. ad valorem: *Provided*, That articles of wearing apparel, and textile fabrics, when embroidered by hand or machinery, and whether specially or otherwise provided for in this act, shall not pay a less rate of duty than that fixed by the respective paragraphs and schedules of this act upon embroideries of the materials of which they are respectively composed."

And the Senate agree to the same.

Amendment numbered 260: That the House recede from its disagreement to the amendment of the Senate numbered 260, and agree to the same with an amendment as follows: Striking out the paragraph and inserting in lieu thereof the following:

"374. All manufactures of jute, or other vegetable fiber, except flax, hemp, or cotton, or of which jute, or other vegetable fiber, except flax, hemp, or cotton, is the component material of chief value, not specially provided for in this act, valued at 5 cents per pound or less, 2 cents per pound; valued above 5 cents per pound, 40 per cent. ad valorem."

And the Senate agree to the same.

Amendment numbered 269: That the House recede from its disagreement to the amendment of the Senate numbered 269, and agree to the same with an amendment as follows: Striking out the paragraph and inserting in lieu thereof the following:

"385. On clothing, ready made, and articles of wearing apparel of every description, made up or manufactured wholly or in part, not specially provided for in this act, felt, not woven, and not specially provided for in this act, and plushes and other pile fabrics, all the foregoing, composed wholly or in part of wool, worsted, the hair of the camel, goat, alpaca, or other animals, the duty per pound shall be four and one-half times the duty imposed by this act on a pound of unwashed wool of the first class, and in addition thereto 60 per cent. ad valorem."

And the Senate agree to the same.

Amendments numbered 271, 272, and 273: That the House recede from its disagreement to the amendments of the Senate numbered 271, 272, and 273, and agree to the same with an amendment as follows: Striking out the paragraph and inserting in lieu thereof the following:

"407. Carpets and carpeting of wool, flax, or cotton, or composed in part of either, not specially provided for in this act, 50 per cent. ad valorem."

And the Senate agree to the same.

Amendment numbered 279: That the House recede from its disagreement to the amendment of the Senate numbered 279, and agree to the same with an amendment as follows: Striking out the paragraph and inserting in lieu thereof the following:

"41. Velvets, plushes, or other pile fabrics containing, exclusive of salvages, less than 75 per cent. in weight of silk, \$1.50 per pound and 15 per cent. ad valorem; containing, exclusive of salvages, 75 per cent. or more in weight of silk, \$3.50 per pound and 15 per cent. ad valorem; but in no case shall any of the foregoing articles pay a less rate of duty than 50 per cent. ad valorem."

And the Senate agree to the same.

Amendment numbered 281: That the House recede from its disagreement to the amendment of the Senate numbered 281, and agree to the same with an amendment as follows: Striking out the proviso and inserting in lieu thereof the following:

"Provided, That all such clothing ready made and articles of wearing apparel when composed in part of India rubber (not including gloves or elastic articles that are specially provided for in this act) shall be subject to a duty of 8 cents per ounce, and in addition thereto 50 per cent. ad valorem."

And the Senate agree to the same.

Amendment numbered 290: That the House recede from its disagreement to the amendment of the Senate numbered 290, and agree to the same with an amendment as follows: Strike out the paragraph and insert in lieu thereof the following:

"419. Papers known commercially as copying-paper, filtering-paper, silver-paper, and all tissue-paper, white or colored, made up in copying-books, reams, or in any other form, 8 cents per pound, and in addition thereto 15 per cent. ad valorem; albumenized or sensitized paper, 35 per cent. ad valorem."

And the Senate agree to the same.

Amendment numbered 292: That the House recede from its disagreement to the amendment of the Senate numbered 292, and agree to the same with an amendment as follows: Strike out the paragraph and insert in lieu thereof the following:

"422. Paper hangings and paper for screens or fire-boards, writing-paper, drawing-paper, and all other paper not specially provided for in this act, 25 per cent. ad valorem."

And the Senate agree to the same.

Amendments numbered 297 and 298: That the House recede from its disagreement to the amendments of the Senate numbered 297 and 298, and agree to the same with amendments as follows: Striking out the paragraphs and inserting in lieu thereof the following:

"429. Buttons commercially known as agate buttons, 25 per cent. ad valorem; pearl and shell buttons, 21 cents per line button measure of one-fourth of 1 inch per gross, and in addition thereto 25 per cent. ad valorem."

"430. Ivory, vegetable ivory, bone or horn buttons, 50 per cent. ad valorem."

And the Senate agree to the same.

Amendments numbered 302 and 303: That the House recede from its disagreement to the amendments of the Senate numbered 302 and 303, and agree to the same with amendments as follows: Striking out the paragraph and inserting in lieu thereof the following:

"443. Feathers and downs of all kinds, crude or not dressed, colored, or manufactured, not specially provided for in this act, 10 per cent. ad valorem; when dressed, colored, or manufactured, including quilts of down and other manufactures of down, and also including dressed and finished birds suitable for millinery ornaments, and artificial and ornamental feathers and flowers, or parts thereof, of whatever material composed, not specially provided for in this act, 50 per cent. ad valorem."

And the Senate agree to the same.

Amendments numbered 308 and 309: That the House recede from its disagreement to the amendments of the Senate numbered 308 and 309, and agree to the same with an amendment as follows: Striking out the paragraph and inserting in lieu thereof the following:

"456. Calfskins, tanned, or tanned and dressed, dressed upper leather, including patent, enameled, and japanned leather, dressed or undressed, and finished; chamois or other skins not specially enumerated or provided for in this act, 30 per cent. ad valorem; book-binders' calfskins, kangaroo, sheep and goat skins, including lamb and kid skins, dressed and finished, 20 per cent. ad valorem; skins for morocco, tanned but unfinished, 10 per cent. ad valorem; piano-forte leather and piano-forte action leather, 35 per cent. ad valorem; japanned calfskins, 30 per cent. ad valorem; boots and shoes, made of leather, 25 per cent. ad valorem."

And the Senate agree to the same.

Amendments numbered 311, 312, 313, 314, and 315: That the House recede from its disagreement to the amendments of the Senate numbered 311, 312, 313, 314, and 315, and agree to the same with an amendment as follows: Striking out the paragraph and inserting in lieu thereof the following:

"459. Manufactures of alabaster, amber, asbestos, bladders, coral, catgut, or whip-gut, or worm-gut, jet, paste, spar, wax, or of which these substances or either of them is the component material of chief value, not specially provided for in this act, 25 per cent. ad valorem; osier or willow prepared for basket-makers' use, 30 per cent. ad valorem; manufactures of osier or willow, 40 per cent. ad valorem."

And the Senate agree to the same.

Amendments numbered 317 and 318: That the House recede from its disagreement to the amendments of the Senate numbered 317 and 318, and agree to the same with an amendment as follows: Striking out the paragraph and inserting in lieu thereof the following:

"461. Manufactures of leather, fur, gutta-percha, vulcanized India rubber known as hard rubber, human hair, papier-maché, indurated fiber wares and other manufactures composed of wood or other pulp, or of which these substances or either of them is the component material of chief value, all of the above not specially provided for in this act, 35 per cent. ad valorem."

And the Senate agree to the same.

Amendment numbered 320: That the House recede from its disagreement to the amendment of the Senate numbered 320, and agree to the same with an amendment as follows:

"463. Maats, composed of paper or pulp, 35 per cent. ad valorem."

And the Senate agree to the same.

Amendment numbered 323: That the House recede from its disagreement to the amendment of the Senate numbered 323, and agree to the same with an amendment as follows: Strike out the paragraph and insert in lieu thereof the following:

"465. Paintings, in oil or water colors, and statuary, not otherwise provided for in this act, 15 per cent. ad valorem; but the term 'statuary' as herein used shall be understood to include only such statuary as is cut, carved, or otherwise wrought by hand from a solid block or mass of marble, stone, or alabaster, or from metal, and as is the professional production of a statuary or sculptor only."

And the Senate agree to the same.

Amendment numbered 327: That the House recede from its disagreement to the amendment of the Senate numbered 327, and agree to the same with an amendment as follows:

"468. Slate pencils, 4 cents per gross."

And the Senate agree to the same.

Amendment numbered 329: That the House recede from its disagreement to

the amendment of the Senate numbered 329, and agree to the same with an amendment as follows: Striking out the paragraph and inserting in lieu thereof the following:

"469. Pipes, pipe-bowls, of all materials, and all smokers' articles whatsoever, not specially provided for in this act, including cigarette-books, cigarette-book covers, pouches for smoking or chewing tobacco, and cigarette-paper in all forms, 70 per cent. ad valorem; all common tobacco pipes of clay, 15 cents per gross."

And the Senate agree to the same.

Amendments numbered 330 and 331: That the House recede from its disagreement to the amendments of the Senate numbered 330 and 331, and agree to the same with an amendment as follows: Striking out the paragraph and inserting in lieu thereof the following:

"470. Umbrellas, parasols, and sun-shades, covered with silk or alpaca, 55 per cent. ad valorem; if covered with other material, 45 per cent. ad valorem."

And the Senate agree to the same.

Amendment numbered 333: That the House recede from its disagreement to the amendment of the Senate numbered 333, and agree to the same with an amendment as follows: Striking out the paragraph and inserting in lieu thereof the following:

"Sec. 2. On and after the 6th day of October, 1890, unless otherwise specially provided for in this act, the following articles when imported shall be exempt from duty:

And the Senate agree to the same.

Amendment numbered 341: That the House recede from its disagreement to the amendment of the Senate numbered 341, and agree to the same with an amendment as follows: Striking out the paragraph and inserting in lieu thereof the following:

"491. Art educational stops, composed of glass and metal and valued at not more than 6 cents per gross."

And the Senate agree to the same.

Amendments numbered 344, 345, and 346: That the House recede from its disagreement to the amendments of the Senate numbered 344, 345, and 346, and agree to the same with an amendment as follows: Striking out the paragraph and inserting in lieu thereof the following:

"515. Books, maps, lithographic prints, and charts, specially imported, not more than two copies in any one invoice, in good faith, for the use of any society incorporated or established for educational, philosophical, literary, or religious purposes, or for the encouragement of the fine arts, or for the use or by order of any college, academy, school, or seminary of learning in the United States, subject to such regulations as the Secretary of the Treasury shall prescribe."

And the Senate agree to the same.

Amendment numbered 352: That the House recede from its disagreement to the amendment of the Senate numbered 352, and agree to the same with an amendment as follows: Striking out the paragraph and inserting in lieu thereof the following:

"535. Clay: Common blue clay in casks suitable for the manufacture of crucibles."

And the Senate agree to the same.

Amendment numbered 356: That the House recede from its disagreement to the amendment of the Senate numbered 356, and agree to the same with an amendment as follows: Striking out the paragraph and inserting in lieu thereof the following:

"571. Fish, the product of American fisheries, and fresh or frozen fish (except salmon) caught in fresh waters by American vessels, or with nets or other devices owned by citizens of the United States."

And the Senate agree to the same.

Amendment numbered 372: That the House recede from its disagreement to the amendment of the Senate numbered 372, and agree to the same with an amendment as follows: Striking out the paragraph and inserting in lieu thereof the following:

"674. Peltries and other usual goods and effect of Indians passing or repassing the boundary line of the United States, under such regulations as the Secretary of the Treasury may prescribe: *Provided*, That this exemption shall not apply to goods in bales or other packages unusual among Indians."

And the Senate agree to the same.

Amendments numbered 379 and 380: That the House recede from its disagreement to the amendments of the Senate numbered 379 and 380, and agree to the same with amendments as follows: Striking out the paragraph and inserting in lieu thereof the following:

"699. Seeds: Anise, canary, caraway, cardamon, coriander, cotton, cummin, fennel, fenugreek, hemp, hoarhound, mustard, rape, St. John's bread or bene, sugar-beet, mangel-wurzel, sorghum or sugar-cane for seed, and all flower and grass seeds; bulbs and bulbous roots, not edible; all the foregoing not specially provided for in this act."

And the Senate agree to the same.

Amendment numbered 388: That the House recede from its disagreement to the amendment of the Senate numbered 388, and agree to the same with an amendment as follows: Striking out the paragraph and inserting in lieu thereof the following:

"736. Tin ore, cassiterite or black oxide of tin, and tin in bars, blocks, pigs, or grain or granulated, until July 1, 1893, and thereafter as otherwise provided for in this act."

And the Senate agree to the same.

Amendments numbered 390 and 391: That the House recede from its disagreement to the amendments of the Senate numbered 390 and 391, and agree to the same with amendments as follows: Striking out the paragraph and inserting in lieu thereof the following:

"753. Fire-wood, handle-bolts, heading-bolts, stove-bolts, and shingle-bolts, hop-poles, fence-posts, railroad ties, ship-timber, and ship-planking, not specially provided for in this act."

And the Senate agree to the same.

Amendment numbered 401: That the House recede from its disagreement to the amendment of the Senate numbered 401, and agree to the same with an amendment as follows: In line 3 of said amendment strike out the words "July, eighteen hundred and ninety-one," and insert in lieu thereof the words "January, eighteen hundred and ninety-two;" and the Senate agree to the same.

Amendment numbered 404: That the House recede from its disagreement to the amendment of the Senate numbered 404, and agree to the same with an amendment as follows: Striking out the section and inserting in lieu thereof the following:

"Sec. 6. That on and after the 1st day of March, 1891, all articles of foreign manufacture, such as are usually or ordinarily marked, stamped, branded, or labeled, and all packages containing such or other imported articles, shall, respectively, be plainly marked, stamped, branded, or labeled in legible English words, so as to indicate the country of their origin; and unless so marked, stamped, branded, or labeled they shall not be admitted to entry."

And the Senate agree to the same.

Amendments numbered 405, 406, and 407: That the House recede from its disagreement to the amendments of the Senate numbered 405, 406, and 407, and agree to the same with amendments as follows: Striking out the section and inserting in lieu thereof the following:

"Sec. 7. That on and after March 1, 1891, no article of imported merchandise which shall copy or imitate the name or trade-mark of any domestic manufacture or manufacturer shall be admitted to entry at any custom-house of the United States. And in order to aid the officers of the customs in enforcing this

prohibition any domestic manufacturer who has adopted trade-marks may require his name and residence and a description of his trade-marks to be recorded in books which shall be kept for that purpose in the Department of the Treasury under such regulations as the Secretary of the Treasury shall prescribe, and may furnish to the Department fac-similes of such trade-marks; and thereupon the Secretary of the Treasury shall cause one or more copies of the same to be transmitted to each collector or other proper officer of the customs."

And the Senate agree to the same.

Amendment numbered 445: That the House recede from its disagreement to the amendment of the Senate numbered 445, and agree to the same with an amendment as follows: Striking out the section and inserting in lieu thereof the following:

"Sec. 27. That all provisions of the statutes imposing restrictions of any kind whatsoever upon farmers and growers of tobacco in regard to the sale of their leaf-tobacco, and the keeping of books, and the registration and report of their sales of leaf-tobacco, or imposing any tax on account of such sales, are hereby repealed: *Provided, however*, That it shall be the duty of every farmer or planter producing and selling leaf-tobacco, on demand of any internal-revenue officer, or other authorized agent of the Treasury Department, to furnish said officer or agent a true and complete statement, verified by oath, of all his sales of leaf-tobacco, the number of hogheads, cases, or pounds, with the name and residence, in each instance, of the person to whom sold, and the place to which it is shipped. And every farmer or planter who willfully refuses to furnish such information, or who knowingly makes false statements as to any of the facts aforesaid, shall be guilty of a misdemeanor, and shall be liable to a penalty not exceeding \$500."

And the Senate agree to the same.

Amendment numbered 446: That the House recede from its disagreement to the amendment of the Senate numbered 446, and agree to the same with an amendment as follows: Striking out the section and inserting in lieu thereof the following:

"Sec. 28. That section 3381 of the Revised Statutes, be, and the same is hereby, amended by striking out all after the said number and substituting therefor the following:

"Every peddler of tobacco, before commencing, or, if he has already commenced, before continuing to peddle tobacco, shall furnish to the collector of his district a statement accurately setting forth the place of his residence, and, if in a city, the street and number of the street where he resides, the State or States through which he proposes to travel; also whether he proposes to sell his own manufactures or the manufactures of others, and, if he sells for other parties, the person for whom he sells. He shall also give a bond in the sum of \$500, to be approved by the collector of the district, conditioned that he shall not engage in any attempt, by himself or by collusion with others, to defraud the Government of any tax on tobacco, snuff, or cigars; that he shall neither sell nor offer for sale any tobacco, snuff, or cigars, except in original and full packages, as the law requires the same to be put up and prepared by the manufacturer for sale, or for removal for sale or consumption, and except such packages of tobacco, snuff, and cigars as bear the manufacturer's label or caution notice, and his legal marks and brands, and genuine internal-revenue stamps which have never before been used."

And the Senate agree to the same.

Amendment numbered 447: That the House recede from its disagreement to the amendment of the Senate numbered 447, and agree to the same with an amendment as follows: Striking out the section and inserting in lieu thereof the following:

"Sec. 29. That section 3393, Revised Statutes, as amended by section 15 of the act of March 1, 1879, be, and the same is hereby, amended by striking out all of said section and by substituting in lieu thereof the following:

"Every peddler of tobacco shall obtain a certificate from the collector of his collection district, who is hereby authorized and directed to issue the same, giving the name of the peddler, his residence, and the fact of his having filed the required bond; and shall on demand of any officer of internal revenue produce and exhibit his certificate. And whenever any peddler refuses to exhibit his certificate, as aforesaid, on demand of any officer of internal revenue, said officer may seize the horse or mule, wagon and contents, or pack, bundle, or basket, of any person so refusing; and the collector of the district in which the seizure occurs may, on ten days' notice, published in any newspaper in the district, or served personally on the peddler, or at his dwelling house, require such peddler to show cause, if any he has, why the horses or mules, wagons and contents, pack, bundle, or basket so seized shall not be forfeited. In case no sufficient cause is shown, proceedings for the forfeiture of the property seized shall be taken under the general provisions of the internal-revenue laws relating to forfeitures. Any internal-revenue agent may demand production of and inspect the collector's certificate for peddlers, and refusal or failure to produce the same, when so demanded, shall subject the party guilty thereof to a fine of not more than \$500 and to imprisonment for not more than twelve months."

And the Senate agree to the same.

Amendment numbered 448: That the House recede from its disagreement to the amendment of the Senate numbered 448, and agree to the same with an amendment as follows: Striking out the section and inserting in lieu thereof the following:

"Sec. 30. That on and after the 1st day of January, 1891, the internal taxes on smoking and manufactured tobacco shall be 6 cents per pound, and on snuff 6 cents per pound."

And the Senate agree to the same.

Amendment numbered 450: That the House recede from its disagreement to the amendment of the Senate numbered 450, and agree to the same with an amendment as follows: Striking out the section and inserting in lieu thereof the following:

"Sec. 31. That section 3363, Revised Statutes, be, and hereby is, amended by striking out all after said number and substituting the following:

"No manufactured tobacco shall be sold or offered for sale unless put up in packages and stamped as prescribed in this chapter, except at retail by retail dealers from packages authorized by section 3362 of the Revised Statutes; and every person who sells or offers for sale any snuff or any kind of manufactured tobacco not so put up in packages and stamped shall be fined not less than \$500 nor more than \$5,000, and imprisoned not less than six months nor more than two years."

And the Senate agree to the same.

Amendment numbered 451: That the House recede from its disagreement to the amendment of the Senate numbered 451, and agree to the same with an amendment as follows: Striking out the section and inserting in lieu thereof the following:

"Sec. 32. That section 3392 of the Revised Statutes, as amended by section 16 of the act of March 1, 1879, be, and the same hereby is, amended to read as follows:

"All cigars shall be packed in boxes not before used for that purpose, containing respectively 25, 50, 100, 200, 250, or 500 cigars each: *Provided, however*, That manufacturers of cigars shall be permitted to pack in boxes not before used for that purpose cigars not to exceed 13 nor less than 12 in number, to be used as sample boxes; and every person who sells, or offers for sale, or delivers, or offers to deliver, any cigars in any other form than in new boxes as above described, or who packs in any box any cigars in excess of or less than the number provided by law to be put in each box respectively, or who falsely

brands any box, or affixes a stamp on any box denoting a less amount of tax than that required by law, shall be fined for each offense not more than \$1,000 and be imprisoned not more than two years: *Provided*, That nothing in this section shall be construed as preventing the sale of cigars at retail by retail dealers, who have paid the special tax as such, from boxes packed, stamped, and branded in the manner prescribed by law: *And provided further*, That every manufacturer of cigarettes shall put up all the cigarettes that he manufactures or has manufactured for him, and sells or removes for consumption or use, in packages or parcels containing 10, 20, 50, or 100 cigarettes each, and shall securely affix to each of said packages or parcels a suitable stamp denoting the tax thereon, and shall properly cancel the same prior to such sale or removal for consumption or use, under such regulations as the Commissioner of Internal Revenue shall prescribe; and all cigarettes imported from a foreign country shall be packed, stamped, and the stamps canceled in like manner, in addition to the import stamp indicating inspection of the custom-house before they are withdrawn therefrom."

And the Senate agree to the same.

Amendment numbered 452: That the House recede from its disagreement to the amendment of the Senate numbered 452, and agree to the same with an amendment as follows: Striking out the section and inserting in lieu thereof the following:

"Sec. 33. That section 3357 of the Revised Statutes, as amended by section 2 of the act of June 9, 1890, be, and the same is, amended by striking out all after the number and inserting in lieu thereof the following:

"Every collector shall keep a record, in a book or books provided for that purpose, to be open to the inspection of only the proper officers of internal revenue, including deputy collectors and internal-revenue agents, of the name and residence of every person engaged in the manufacture of tobacco or snuff in his district, the place where such manufacture is carried on, and the number of the manufactory; and he shall enter in said record, under the name of each manufacturer, a copy of every inventory required by law to be made by such manufacturer, and an abstract of his monthly returns; and he shall cause the several manufactories of tobacco or snuff in his district to be numbered consecutively, which numbers shall not be thereafter changed, except for reasons satisfactory to himself and approved by the Commissioner of Internal Revenue."

And the Senate agree to the same.

Amendment numbered 453: That the House recede from its disagreement to the amendment of the Senate numbered 453, and agree to the same with an amendment as follows: Striking out the section and inserting in lieu thereof the following:

"Sec. 34. That section 3369 of the Revised Statutes, as amended by section 16 of the act of March 1, 1879, be, and the same is hereby, amended so as to read as follows:

"Every collector shall keep a record, in a book provided for that purpose, to be open to the inspection of only the proper officers of internal revenue, including deputy collectors and internal-revenue agents, of the name and residence of every person engaged in the manufacture of cigars in his district, the place where such manufacture is carried on, and the number of the manufactory; and he shall enter in said record, under the name of each manufacturer, an abstract of his inventory and monthly returns; and he shall cause the several manufactories of cigars in his district to be numbered consecutively, which number shall not thereafter be changed."

And the Senate agree to the same.

Amendment numbered 455: That the House recede from its disagreement to the amendment of the Senate numbered 455, and agree to the same with an amendment as follows: Striking out the section and inserting in lieu thereof the following:

"Sec. 35. That section 3337 of the Revised Statutes, as amended by section 16 of the act of March 1, 1879, be, and the same is hereby, amended by striking from the said section the following words, namely: '\$500, with an additional \$100 for each person proposed to be employed by him in making cigars,' and inserting in lieu of the words so stricken out the words 'one hundred dollars.'"

And the Senate agree to the same.

Amendment numbered 480: That the House recede from its disagreement to the amendment of the Senate numbered 480, and agree to the same with an amendment as follows: Striking out the section and inserting in lieu thereof the following:

"Sec. 42. That any producer of pure sweet wines, who is also a distiller, authorized to separate from fermented grape-juice, under internal-revenue laws, wine spirits, may use, free of tax, in the preparation of such sweet wines, under such regulations and after the filing of such notices and bonds, together with the keeping of such records and the rendition of such reports as to materials and products, as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe, so much of such wine spirits so separated by him as may be necessary to fortify the wine for the preservation of the saccharine matter contained therein: *Provided*, That the wine spirits so used free of tax shall not be in excess of the amount required to introduce into such sweet wines an alcoholic strength equal to 14 per cent. of the volume of such wines after such use: *Provided further*, That such wine containing, after such fortification, more than 24 per cent. of alcohol, as defined by section 3249 of the Revised Statutes, shall be forfeited to the United States: *Provided further*, That such use of wine spirits free from tax shall be confined to the months of August, September, October, November, December, January, February, March, and April of each year. The Commissioner of Internal Revenue, in determining the liability of any distiller of fermented grape-juice to assessment under section 3309 of the Revised Statutes, is authorized to allow such distiller credit in his computation for the wine spirits used by him in preparing sweet wine under the provisions of this section."

And the Senate agree to the same.

Amendment numbered 485: That the House recede from its disagreement to the amendment of the Senate numbered 485, and agree to the same with an amendment striking out the section and inserting in lieu thereof as follows:

"Sec. 47. That all provisions of law relating to the reimportation of any goods of domestic growth or manufacture which were originally liable to an internal-revenue tax shall be, as far as applicable, enforced against any domestic wines sought to be reimported; and duty shall be levied and collected upon the same when reimported as an original importation."

And the Senate agree to the same.

Amendment numbered 486: That the House recede from its disagreement to the amendment of the Senate numbered 486, and agree to the same with an amendment striking out the section and inserting in lieu thereof as follows:

"Sec. 48. That any person using wine spirits or other spirits which have not been tax-paid in fortifying wine, otherwise than as provided for in this act, shall be guilty of a misdemeanor, and shall, on conviction thereof, be punished for each offense by a fine of not more than \$2,000, and for every offense other than the first also by imprisonment for not more than one year."

And the Senate agree to the same.

Amendment numbered 491: That the House recede from its disagreement to the amendment of the Senate numbered 491, and agree to the same with an amendment striking out the section and inserting in lieu thereof as follows:

"*Provided*, That any imported merchandise deposited in bond in any public or private bonded warehouse, having been so deposited prior to the 1st day of October, 1890, may be withdrawn for consumption at any time prior to February 1, 1891, upon the payment of duties at the rates in force prior to the passage of this act: *Provided further*, That when duties are based upon the weight of mer-

merchandise deposited in any public or private bonded warehouse said duties shall be levied and collected upon the weight of such merchandise at the time of its withdrawal."

And the Senate agree to the same.

Amendment numbered 494: That the House recede from its disagreement to the amendment of the Senate numbered 494, and agree to the same with an amendment striking out the section and inserting in lieu thereof as follows:

"Sec. 52. That the value of foreign coin as expressed in the money of account of the United States shall be that of the pure metal of such coin of standard value; and the values of the standard coins in circulation of the various nations of the world shall be estimated quarterly by the Director of the Mint, and be proclaimed by the Secretary of the Treasury immediately after the passage of this act, and thereafter quarterly on the 1st day of January, April, July, and October in each year."

And the Senate agree to the same.

Amendment numbered 495: That the House recede from its disagreement to the amendment of the Senate numbered 495, and agree to the same with an amendment as follows: Add to section 35, at the end, the following:

"And it shall be the duty of special-tax payers to render their returns to the deputy collector at such times within the calendar month in which the special-tax liability commenced as shall enable him to receive such returns, duly signed and verified, not later than the last day of the month, except in cases of sickness or absence, as provided for in section 3176 of the Revised Statutes."

And the Senate agree to the same.

NELSON W. ALDRICH,
JOHN SHERMAN,
W. B. ALLISON,
FRANK HISCOCK,

Managers on the part of the Senate.

WM. McKINLEY, JR.,
J. C. BURROWS,
THOS. M. HAYNE,
N. DINGLEY, JR.,

Managers on the part of the House of Representatives.

The VICE-PRESIDENT. The question is on concurring in the report of the committee of conference.

SHERMAN AND NORTHWESTERN RAILWAY.

Mr. DAWES. I desire to get a conference on the amendment of the House of Representatives to Senate bill 4309. I ask that it be laid before the Senate.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 4309) granting the right of way to the Sherman and Northwestern Railway Company through the Indian Territory, and for other purposes, which was, in section 1, line 4, to strike out the word "owning" after the word "constructing."

Mr. DAWES. I move that the Senate non-concur in the amendment of the House of Representatives, and ask for a conference thereon. The motion was agreed to.

Mr. DAWES. Mr. President, I will move that the Senate concur in this amendment.

Mr. COCKRELL. There are two motions, one directly the opposite of the other. I should like to hear an explanation of the amendment.

Mr. DAWES. It is suggested that it will be impossible to get a conference report through the other branch in the present condition of business there, and therefore it is better that the amendment of the House be concurred in than that the bill be lost.

Mr. HARRIS. Then move to reconsider the vote by which the Senate non-concurred.

Mr. DAWES. I make whatever motion is necessary. If it has gone so far, I move to reconsider.

Mr. CULLOM. I do not think any decision was announced as to the result of the motion.

Mr. PLUMB. It can be brought back, anyway, in a minute on a motion to reconsider.

Mr. DAWES. If the non-concurrence was announced I move that the Senate reconsider its vote to non-concur with a view to a concurrence.

Mr. COCKRELL. Now let the amendment be read and let us hear what it is, so that we may know what is being done.

The VICE-PRESIDENT. The amendment will be again stated.

The CHIEF CLERK. Page 1, line 4, section 1, strike out the word "owning;" so as to read:

That the Sherman and Northwestern Railway Company, a corporation created under and by virtue of the laws of the State of Texas, be, and the same is hereby, invested and empowered with the right of locating, constructing, equipping, operating, using, and maintaining a railway, telegraph, and telephone line through the Indian Territory, etc.

Mr. DAWES. The word "owning" is stricken out. They can build, construct, and operate a railroad, but the other House have insisted upon it that they shall not own it.

The VICE-PRESIDENT. The Senator from Massachusetts moves to reconsider the vote by which the Senate non-concurred in the amendment of the House of Representatives.

The motion to reconsider was agreed to.

The VICE-PRESIDENT. The question is on concurring in the amendment of the House of Representatives.

The amendment was concurred in.

FORT RANDALL MILITARY RESERVATION.

Mr. PLUMB. I present a conference report and ask that it may be considered.

The VICE-PRESIDENT. The conference report will be read, if there be no objection.

Mr. HARRIS. What has been done with the conference report on the tariff bill?

The VICE-PRESIDENT. It is before the Senate.

Mr. HARRIS. What action does the Senator from Kansas desire with his conference report? One conference report is now pending.

Mr. PLUMB. I ask unanimous consent to present this conference report. It is a mere formal matter, I take it. It is a matter that has not occasioned any debate heretofore in either House, and I think will not now. I rather understood from a suggestion made by the Senator from Ohio [Mr. SHERMAN], and seemingly assented to by the Senator from Rhode Island, that business of this kind would not be interrupted by the pendency of the report on the tariff bill.

The VICE-PRESIDENT. If there be no objection, the conference report submitted by the Senator from Kansas will be read.

The Chief Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 739) opening to settlement a portion of the Fort Randall military reservation, in South Dakota, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows: Amend the title so as to read:

"An act opening to settlement a portion of the Fort Randall military reservation, in South Dakota, and to dispose of the Sisseton military reservation."

And the Senate agree to the same.

P. B. PLUMB,
A. S. PADDOCK,
S. PASCO,

Managers on the part of the Senate.

L. E. PAYSON,
E. J. TURNER,
W. S. HOLMAN,

Managers on the part of the House.

The report was concurred in.

THE REVENUE BILL.

The Senate resumed the consideration of the report of the committee of conference on the bill (H. R. 9416) to reduce the revenue and equalize duties on imports, and for other purposes.

Mr. ALDRICH. The conference report has been printed in the RECORD, and the bill as it passed the House and with the Senate amendments, and the action of the conference committee has been printed so as to show definitely the effect of the action of that committee. I do not deem that any further explanation of the provisions of the report is necessary unless some Senator should desire further information. I will only say that I hope we may be able to reach a vote at an early hour this afternoon upon the report. I have no knowledge of the intentions of Senators upon the other side of the Chamber in regard to debate, but I am aware of the anxiety of Senators upon both sides to arrive at an early conclusion of the business of the session, and with that in view I shall ask for a vote as soon as it can possibly be obtained.

Mr. COCKRELL. As I understand, this is the only form in which the report has been printed, is it not?

Mr. ALDRICH. It was printed in Saturday's RECORD.

Mr. COCKRELL. Printing in the RECORD amounts to nothing. This is the only form in which it has been printed outside of the RECORD?

Mr. CULLOM. It is in bill form.

Mr. ALDRICH. It is before us in bill form.

Mr. COCKRELL. I think we ought to have it printed in pamphlet, octavo form.

Mr. ALDRICH. That can be done for distribution afterwards, and I shall consult the wishes of the Senator from Missouri and other Senators in that regard. I think whenever the action of the Senate is taken finally an order had better be made for printing whatever number of copies the Senate may desire.

Mr. COCKRELL. We shall want not only the bill as it may become a law, but also the old law in connection with it, so that they can both be printed together. I should have been exceedingly gratified if it had been possible to get up a schedule showing the rates of duty under the present law and under the law as it will be when the measure proposed takes effect.

Mr. ALDRICH. I should be glad if the Senator from Missouri would prepare a resolution covering what he desires in the matter, and I have no doubt it can be passed without objection.

Mr. COCKRELL. I should like to ask the Senator, who is thoroughly familiar with the details, whether it would be possible to have printed at an early day a statement showing the rates of duty under the bill as reported by the conference committee.

Mr. ALDRICH. The Committee on Finance asked the Chief of the Bureau of Statistics a few days ago how long a time it would take to prepare a statement of the kind indicated by the Senator from Missouri, and he said at that time that it would take several days. I think he gave no definite answer, as the changes were not known at that time. I should suppose that within ten days or two weeks a statement might be prepared which would show the relative effect of the conference report as compared with the existing law.

Mr. COCKRELL. I wanted to know if it were possible really, in view of the fact that under the existing law there are certain ad valo-

rem duties on certain articles—I will not specify the articles—and under the proposed law, which will doubtless be agreed to, instead of ad valorem duties there are specific duties, whether the Bureau of Statistics could make any calculation that would be reliable as to what the proposed rates of duty ad valorem will be.

Mr. ALDRICH. They can not.

Mr. COCKRELL. They could not unless they had the quantity of importation of the article upon which the specific duty is imposed.

Mr. ALDRICH. No, and they have no statistics of that kind, so that it would be impossible for them to furnish any data that would be reliable which would show the effect of the conference report in that respect.

Mr. COCKRELL. In other words, the Bureau of Statistics only have the value of the articles and not the quantities.

Mr. ALDRICH. Yes, sir.

Mr. COCKRELL. And therefore they have not, as a rule, the means of determining what would be the ad valorem rate under a law imposing specific duties.

Mr. ALDRICH. The Senator is right in that regard.

Mr. COCKRELL. I think, then, the best we can do probably would be to have the old law and the new law printed in connection with each other, in octavo or pamphlet form, and that ought to be done at once, it seems to me.

Mr. ALDRICH. As soon as the conference report is disposed of I shall ask to have the act printed in parallel columns with existing law in an edition of sufficient size to meet the wants of Senators.

Mr. MORGAN. Mr. President, the tariff bill, as it has been molded by the final manipulations of the Republicans of the conference committee, has many new features that neither the House nor the Senate have agreed to nor voted upon. It is impossible, and would be thought obstructive to the will of the majority, to go into an examination of all these changes in the bill. They are all of real importance to the people, but the parliamentary law applicable to this stage of the bill denies to us the privilege of a separate vote on any one of these numerous changes. It is a bolus that we must either swallow whole or reject it.

All that we can do is to discuss in a very general way the principles on which the measure is founded, using some of the items to illustrate their application to those principles.

The one great leading and avowed principle that has controlled this measure, and appears in every feature of it, is that it is intended to secure the higher taxation of the people, in order to give greater income and profits to those engaged in manufacturing.

Imports which yield revenue are driven out, and revenues are decreased while taxation is increased. This is the culmination, the climax of the doctrine of the taxation of the people in order to give increased advantages to certain pursuits. If it is successful, according to the wishes and hopes of its supporters, it will, at an early day, drive us into the imposition of direct taxes for the support of the Government.

We had as well look this result square in the face, for it will come sooner than we now expect.

When prohibitory duties have destroyed the import commerce of the country, and have prevented revenues from that source coming into the Treasury, the people will soon demolish the barriers within which they are imprisoned only to be robbed. The McKinley bill reverses and refuses to comply with a demand of the tax-payers of the United States, which is correctly stated as follows: "Let money bear its just part of the burdens of Government." Money has enough of power now without our adding to it, and is virtually exempt from taxation.

Foreign money is here in vast sums claiming and holding our home market for its own profit and to gather from our people the money its hirelings imported to underbid American labor. It is here to enrich the non-resident capitalist and to degrade and depress the native-born laborer.

The foreign capitalists send their money here for investment in manufacturing and expend their profits in building up and beautifying their own country.

While we are inviting them to share with our people the rich harvests of our protective tariff monopolies, their governments make commercial war upon us.

The governments of Europe are ill at ease over our increasing stringency in commercial intercourse. France threatens to retaliate more stubbornly as to our hog products. Austria endeavors to combine European powers in a commercial league against us.

Germany, the exemplar, in Europe, of our tariff system, continues to work women and horses in the same plow and in the shafts of the same market-carts. Germany is loud in its applause of our system. But she will be more moderate when she finds that we are also taxing the land of the farmer and the products of pasturage and grain farms to pay bounties to the growers of beet-sugar. Still, in her disregard for the sufferings of her highly protected people she also excludes, as far as possible, our meats and provisions from her markets.

Italy sends to us her lazzaroni to work our mines, and they drive the negroes, Chinamen, and even the Irish, from working on our railroads and mines.

Italy is a fertile and beautiful land, and that Government has a high protective tariff system to protect her laborers, as Germany also has,

but her people swarm into this country to get higher wages and return home, like the Chinese, with what they have earned. Why should a German come here from a country with a high protective tariff, or why should an Italian come? It is not the rate of protection to labor in the tariff that brings him, but the general expansion and prosperity of the country that raises the price of labor here.

While we are thus inviting foreign capital and labor to come here and enjoy the feast which our tariff laws provide for them, at the cost of our people, those who get the lion's share—the moneyed monopolists—are growing up into a dangerous and distinct class whose power is enormous and whose arrogance is unlimited.

Our country is taking on a new form of entails and perpetuities. It is making settled provision for certain families and classes of people. It is creating masters to rule over the destiny of laboring people in perpetual domination, and all the producing classes are held in the servitude that poverty enforces, to a shoddy nobility that is imperious, vulgar, and despicable.

Stocks and bonds, corporate franchises, covering every valuable property, railroads, canals, mines, electric-telegram and telephone systems, gas-works, water-works, street cars, the supply of food to the markets—indeed, nearly all that is valuable in the country is drifting into the control of corporate bodies.

Capital and credit are enconced behind corporate powers, privileges, and exemptions and are safely fortified, while they raid all sections of the country.

Corporation stocks and bonds are the chief inheritance of most of the rich families of the country. They are easy to keep, easy to transfer, and readily escape taxation.

The Army and Navy are largely supplied with officers by a sort of family inheritance. These are not natural conditions, they are forced. They are not the outgrowth of our system of government, but of its abuses.

Paternalism, such as professes to be established in the McKinley bill; monopoly, that lurks in every schedule; sectionalism, that is as pronounced and distinct as the difference between the Arctic zone and the equatorial belt, pervade this cruel measure. Cotton-ties and binding-twine, rice and wheat, sugar and salt, hides and fish, cotton and wool, are placed in contrast in the provisions of the McKinley bill in such a definite way that the mind of a fair man can not resist the conclusion that this part of the bill was simply measured and settled by the map.

Irritated by the indignant comments of Southern men on this patent outrage, the Senator from New York [Mr. HISCOCK] denounces us for our alleged ignorance, indolence, and poverty, and upbraids us with a want of gratitude for being permitted to live in this free country.

The Senator from New Hampshire, with that anxious paternalism that he so often and so kindly expresses towards us, and that has softened under the sweet influences of benevolence until it has become motherly, in a sudden and brief fit of irritation broadly intimated to one of our very best men that he, and others like him, owed his life to the forbearance of the North, and that he had no right to complain of anything they might do to us.

The South has done very little for New Hampshire. She has not needed our help. Indeed, she is so self-sustaining and independent that the Almighty has not found it necessary to do much for her. But New York is our forced heir, and we have made her very rich.

In the drift of Congressional legislation for a hundred years the great bulk of appropriations and favors have floated into the harbor of New York.

They went adrift from Norfolk while Virginians like Presidents Washington, Jefferson, Madison, Monroe, the elder Harrison, and Tyler were looking after the general welfare of the whole country and were not jealously engaged in schemes of taxation and appropriation to build up Norfolk and retard the growth of New York.

They were as proud of the growth and welfare of New York as we all are. But if the productions of New York in wheat, corn, and provisions for export are compared with those of Ohio, Illinois, or Indiana, that State has nothing to boast of. If all her native productions were compared with the cotton crops that the South has sent to her for sale and export she would become as insignificant in the world's estimate of the value of the materials of her commercial greatness as we of the South are in the opinion of the self-satisfied Senator from New York.

It is not New York, but the unjust and disreputable gerrymander that sent him to the Senate to speak for a Democratic State, that uses the privileges of debate in the Senate to utter against Southern Democrats the aspersions that he poured upon them in closing the debate on this bill.

This is what that Senator said; I wish to repeat it, that I may exonerate the people of New York from responsibility for the ingratitude and the inhumanity of these false accusations:

Mr. HISCOCK. Mr. President, in the discussion of the pending revenue bill the representatives of the Democratic party have surpassed their predecessors and themselves in charlatanry, demagogism, misrepresentation, and insincere professions of devotion to the industrial interests of the country.

For a half century that party advocated, at elections and in the Senate, that capital should own labor, and, as the consummation of their efforts to accomplish that great crime they shed their blood and expended their treasure freely. They resisted the devotion of the national domain to the free labor of the country, not by peaceful and lawful methods alone, but by violent and armed resist-

ance. Every step of national progress to provide free homes and insure free speech for free labor, up to 1861, was resisted by every method that statesmanship could provide and ruffianism execute; and the last great effort was consummated in the civil war.

Their armies defeated and their people subjugated, they have since opposed all measures that look to the elevation and equal rights of the agricultural laboring class of the old slave States. Not content with that, by assassination and murder they have so terrorized that class, that while its members are counted under the Constitution for representation in the House of Representatives, they dare not exercise the right of suffrage guaranteed to them by that Constitution; and since the subjugation of their armies in the field there has never been a period in the history of the party when Democracy more defiantly, more lawlessly, or with more bloody methods subjugated the laboring classes of the South in defiance of constitutional guarantees; it has been relegated back to a condition of slavery, unless it is less than servitude to be deprived by violence of the lawful participation in one's own government.

More unjust and undeserved vituperation than that is was never uttered in an equal number of words.

The soul of the Senator sat before a mirror for that picture. It does not show what we have done, but it reflects what would have been his conduct and his feelings if he had suffered as we have been compelled to suffer. The language of this diatribe is in good New York style, and I must not be so unfashionable as not to admit that it is decent.

One fact that may some day become an experience will still control opinion in New York against the rash vehemence of this child of the gerrymander. It is that if for twenty years we should ship our surplus cotton to Europe through Norfolk, and should spin and weave the rest and sell it through Chicago, many of the palaces we have built for lordly despots in New York would be covered with dust, in which the finger of time would write "desolation." If the Senator from New York could see at one glance the wealth that New York has harvested from the profits of our labors it would look greater in value to him than the Presidency of the United States. We have been very rich, and were robbed until we were very poor. We are going soon to be rich again. But we have never asked Congress to tax other people for our advantage, and we never will.

It would be ingratitude to God if we should ask that the rich bounties He has bestowed upon our Southern land should be supplemented with tribute taxed from people who are less favored than we are.

We are to be rich enough without the aid of legislative larceny. For years together I have advised our Southern people to show their faith in the goodness of God and the ultimate justice of man by refusing to build up their future greatness on the movable sands of Congressional favors and bounties. I know that cotton factories will locate beside the cotton fields in spite of a 38 per cent. tax on spinning and weaving machinery.

I know that hematite iron and basic steel will defy the rivalry of all competitors with our mines, furnaces, foundries, machine-shops, car factories, and mills that are not too far from us for the profitable transportation of our productions. I know that our pineries are a monopoly of yellow pine and ship stores that defy competition in all the world. I know that our phosphates are to be the resurrection and the life to the worn fields of the agriculturist.

I know that in sugar production the countries bordering the South Atlantic and Gulf coasts and the Pacific coast of Southern California hold the monopoly of production in the United States, and that rice has no home in the United States west of Texas or north of North Carolina. Knowing these things as I do, and as all the South knows them, the Southern people will laugh at and despise your puny efforts to reverse these decrees of Providence.

In a spirit of honest and faithful regard for the rights of those who by the invitation of the tariff laws have invested their capital in iron industries in the Northern and Middle States, we have not voted for free pig-iron, so much needed along the North Atlantic coast.

With England to supply that want, and an interior market, limited and circumscribed by the cost of transportation to the places of consumption, capital, engaged in iron production and manufacture, would migrate from Pennsylvania and Ohio to the South, and our mines of coal and iron, our forests, fields, and water courses would come into demand, at prices that would repay to us the losses of the war.

You will have it so, and you may. But it is the iron of the South that is your competitor, not the iron of England.

England is now looking at the wonderful fact that the iron of the South, and not of Germany or Russia, is her new and imperial competitor for the markets of the world. She begins to understand that a furnace in the Sheffield and Birmingham regions of Alabama can lay down iron at Sheffield or Birmingham, England, at a profit.

We now laugh at your folly in trying to repress our honest industries based on honest principles. When your self-inflicted destruction comes we will not laugh at your calamity.

The protection you give to iron and timber is not really a protection against England and Canada so much as it is against the South. You fence out the timber of Canada and the iron of England because transportation is cheap from those countries to our large centers of consumption. These centers of the home market for iron and timber are nearer to England and Canada, when the distance is measured by the cost of transportation, than they are to our Southern fields of production.

On these articles, as on many others, your real protection is in the cost of transportation from the South, which is your real competitor. If you can shut out foreign countries with the tariff, and the South

with the cost of transportation, you have a nice, close, sequestered home market, dedicated to your own service.

But capital is leaving you, and population is moving to the South. They are hunting cheaper fields of production, cheaper—less costly—houses, food, and clothing; a better climate, broader and sunnier fields, brighter waters, and communities where labor is respected for the manhood there is in the laborer, and not for the increment of profit it yields to the capitalist. The laborer is respected for his intrinsic value as a man in the South, and not because his toil and skill are a good investment for capital.

This measure is a great hardship on the South, and is no credit to any other section, but it will only force us into more determined efforts to use our natural advantages to greater profit. In this "full and free conference," as it is called, the South is a mute victim. But it will have a great and supreme prosperity in spite of all that Congress can do to depress our industries. Congress did not clothe our hills and valleys with the grand forests that nod their plumes in welcome to the toilers of the sea; and Congress can not check the flow of wealth that foreign nations and the naked prairies of the West will pour in upon us in exchange for the timber they afford.

Congress does not send the snowy fleece upon our cotton-fields, and it can not prevent the human family from enjoying the comforts that are grown there and paid for in gold.

Congress did not make the coal and iron and limestone in the wonderful abundance and quality that make the South the best field of iron production for the world, and no taxes that it can put on or take off from the yield will prevent capital and labor from going there as they rushed into California in 1849.

Congress can not remove the phosphates nor diminish their value that the waves and fishes of the sea have deposited around the coasts of the South. Congress can not change the configuration of the continent, or reverse the trade winds, or stop the Gulf Stream, that supply heat and moisture to the foot-hills of the Appalachian range, or the great rivers that fertilize the South, and make that the sunniest and most favored land for the laborer to be found in the world.

Congress gave us none of these blessings, and while it may mar them and retard them, as it has done for many years through unjust and hostile taxation, they will, in the end, bring us and the whole country into a prosperity that will cause us to thank God, who bestowed these blessings upon us, that the power of Congress to destroy is not equal to His power to create.

The only offer of relief made to the agriculturists in this bill, besides the bounty on sugar, is in the third section, which relates to reciprocity of trade with foreign countries.

The taxes imposed on the cereals and provisions are of no practical value, because we produce them in such abundance that if they were admitted duty free none of them would be imported.

Not less deceptive is the scheme for reciprocity that is provided in the third section of this bill.

I doubt if any member of the Senate expects that anything whatever will be done or attempted under that section. It contains the lesson of a distinct admission that the McKinley bill does not provide a market for a single additional bushel of grain or pound of cotton, and is to be of no benefit to those industries. But it has the unseemly fault that it is a deliberate effort to deceive the people into the false and alluring hope that they are to have freer trade and better markets with foreign countries for the immense surplus of agricultural crops that we produce every year.

This deceptive pretense is intended further to protect the protected manufacturers against the sudden and serious indignation of the people until their necks are hardened to the yoke of the McKinley bill. If this pretense of reciprocity was a real and substantial movement, the country would welcome it with rejoicing. They would not stop to appreciate the effort to get fairer and more liberal trade with foreign countries, although its promoters were marching under banners stolen from the Democracy.

It is not possible that we can make any just claim on foreign nations for reciprocity in trade while we are enacting prohibitions against their sending goods to our markets for sale.

Especially is this true when every increase of duties made in this bill—and there are hundreds of them—has been made upon the distinct ground that it will lessen or prevent importations.

That answer has been given in the debates on this measure to every question that has been asked, as the best justification of an increase of duties above the existing law. There has been no evasion on this point. The American doctrine is fixed in this bill that we will exclude from this country every import that is or can be produced here or for which we can produce a substitute.

Whatever may have caused the party in power to make this declaration of war upon the commerce of the world, there is an air of independence about it, like the independence of China—the hermit among the nations—that argues a strong confidence in the commanding power of the native resources of our people and our country.

This rash declaration is as ill-suited to the genius of our race as it is to English people, from whom we are descended.

It is new in our declared policies, and naturally excites alarm. There

was a similar haughtiness and rigor in the policy of our kinspeople in England in excluding grain from that country for the protection of landholders, until the cry of "bread or blood" was heard in the streets.

That anguishing protest aroused Cobden and Bright, and presently all the United Kingdom, to the necessity of a thorough change of British policy.

Our new policy, which is but the flowering of our century plant of gaudy monopoly, has alarmed those who have been most responsible for its nurture. Mr. Blaine is about to bloom out as a new Cobden, and the President as a resurrected John Bright. They both demand that a white flag—not the plume of Navarre, but a flag of truce—shall be constantly borne by a guard of honor, by the President himself, at the head of the marching column of the home-market guard.

On the 19th of June, 1890, this white flag was borne into the Senate. It was sent in with a message from the President.

I will read it that the country may see how the President pleads for authority to repeal or modify in whole or in part the heroic prohibitions upon commerce that you have so long labored to arrange and enact and have finally secured in the McKinley bill:

To the Senate and House of Representatives:

I transmit herewith, for your information, a letter from the Secretary of State, inclosing a report of the International American Conference, which recommends that reciprocal commercial treaties be entered into between the United States and the several other republics of this hemisphere.

It has been so often and so persistently stated that our tariff laws offered an insurmountable barrier to a large exchange of products with the Latin-American nations that I deem it proper to call especial attention to the fact that more than 87 percent of the products of those nations sent to our ports are now admitted free. If sugar is placed upon the free-list, practically every important article exported from those states will be given untaxed access to our markets, except wool. The real difficulty in the way of negotiating profitable reciprocity treaties is that we have given freely so much that would have had value in the mutual concessions which such treaties imply. I can not doubt, however, that the present advantages which the products of these near and friendly states enjoy in our markets—though they are not by law exclusive—will, with other considerations, favorably dispose them to adopt such measures, by treaty or otherwise, as will tend to equalize and greatly enlarge our mutual exchanges.

It will certainly be time enough for us to consider whether we must cheapen the cost of production by cheapening labor, in order to gain access to the South American markets, when we have fairly tried the effect of established and reliable steam communication, and of convenient methods of money exchanges. There can be no doubt, I think, that with these facilities well established, and with a rebate of duties upon imported raw materials used in the manufacture of goods for export, our merchants will be able to compete in the ports of the Latin-American nations with those of any other country.

If after the Congress shall have acted upon pending tariff legislation it shall appear that, under the general treaty-making power, or under any special powers given by law, our trade with the states represented in the conference can be enlarged upon a basis of mutual advantage, it will be promptly done.

BENJ. HARRISON.

EXECUTIVE MANSION, June 19, 1890.

The last paragraph contains the pledge of the President that if power is given him to enlarge our commerce "it will be promptly done," provided he thinks that a better policy than that enacted in this bill.

The President sent Mr. Blaine's letter to the Senate, in which he argues elaborately and with force in favor of free and unrestricted trade with countries on this hemisphere that could be induced on a basis of reciprocal advantages to conduct free trade with us. I will quote a paragraph from that letter:

To escape the delay and uncertainty of treaties it has been suggested that a practicable and prompt mode of testing the question was to submit an amendment to the pending tariff bill, authorizing the President to declare the ports of the United States free to all the products of any nation of the American hemisphere upon which no export duties are imposed, whenever and so long as such nation shall admit to its ports free of all national, provincial (state), municipal, and other taxes, our flour, corn-meal, and other breadstuffs, preserved meats, fish, vegetables, and fruits, cotton-seed oil, rice, and other provisions, including all articles of food, lumber, furniture, and other articles of wood, agricultural implements and machinery, mining and mechanical machinery, structural steel and iron, steel rails, locomotives, railway cars and supplies, street-cars, and refined petroleum. I mention these particular articles because they have been most frequently referred to as those with which a valuable exchange could be readily effected. The list could no doubt be profitably enlarged by a careful investigation of the needs and advantages of both the home and foreign markets.

Mr. Blaine had already caused the delay which he asks Congress to help him to escape in the omission, during the period of nearly two years, to ask any country to make such a treaty with us, as he seemingly so much desires, while this cloud of commercial war is passing over us.

He speaks of an amendment to this bill which will give to the President both the treaty-making power without the consent of two-thirds of the Senate, and the power to originate bills for the raising of revenue without the consent of the House of Representatives, and the power to suspend or repeal or modify or amend a tax law without the consent of Congress.

That amendment was ready, and the moment the message was read it was launched upon the Senate by the Senator from Maine. I will read it:

And the President of the United States is hereby authorized, without further legislation, to declare the ports of the United States free and open to all products of any nation of the American hemisphere upon which no export duties are imposed, whenever and so long as such nation shall admit to its ports, free of all national, provincial (state), municipal, and other taxes, flour, corn-meal, and other breadstuffs, preserved meats, fish, vegetables and fruits, cotton-seed oil, rice, and other provisions, including all articles of food, lumber, furniture, and all other articles of wood, agricultural implements and machinery, mining and mechanical machinery, structural steel and iron, steel rails, locomotives, railway cars and supplies, street-cars, refined petroleum, or such other products of the United States as may be agreed upon.

A man will have a very keen intellect to discriminate between that amendment and the language of Mr. Blaine's letter. As the Senator from Maine [Mr. HALE] framed it, what he proposed by it might possibly have escaped condemnation on a judicial test of its constitutionality. It was this danger that created the necessity for having it doctored in the Committee of Finance, so that it would perish on the first blow that a jurist like the senior Senator from New York [Mr. EVARTS] might deliver upon its feeble head.

The committee's subterfuge came out in due season. I will read a part of it:

SEC. 2. That the exemptions from duty of sugar, molasses, coffee, tea, and hides, provided for in this act, are made with a view to secure reciprocal trade with countries producing these articles; and for this purpose, on and after the 1st day of July, 1891, whenever and so often as the President shall be satisfied that the Government of any country producing and exporting sugars, molasses, coffee, tea, and hides, raw and uncured, or any of such articles, imposes duties or other exactions upon the agricultural or other products of the United States, which, in view of the free introduction of such sugar, molasses, coffee, tea, and hides into the United States, he may deem to be reciprocally unequal and unreasonable, he shall have the power and it shall be his duty to suspend, by proclamation to that effect, the provisions of this act relating to the free introduction of such sugar, molasses, coffee, tea, and hides, the production of such country, for such time as he shall deem just, and in such case and during such suspension duties shall be levied, collected, and paid upon sugar, molasses, coffee, tea, and hides, the product of or exported from such designated country, as follows, namely:

He proceeds then with a schedule of the duties which are then to be reinstated, and they differ from the duties that are imposed upon sugar under the existing law, so that if the President ever imposes these duties upon sugar or molasses he is obliged to impose duties that are not sanctioned by any law except the provisions of the third section of this tariff bill. On coffee he is to impose a tax of 3 cents a pound, on tea a tax of 10 cents a pound, and on hides a tax of half a cent a pound.

I have read part of that amendment, Mr. President, to show what a weak and inconsequential thing it was as compared with the first zealous response of the Senator from Maine [Mr. HALE] to the earnest appeals of the President and Mr. Blaine. Its unconstitutionality as it came from the committee was so apparent that the Senator from New York, than whom there is no abler or more devout party leader in the Senate, was compelled to mildly denounce it. He gave it an easy death because of his sympathy for its parents. The Senator from Vermont [Mr. EDMUNDS] joined in the judgment, but suggested other grounds of condemnation. He, too, is always kind to his friends.

After the Senator from Maine had defended the policy couched in his resolution in an able speech he abandoned it and voted for that of the committee which adroitly provides so that his policy can never be tested. The Senator is content to enjoy the reputation of having devised a wise policy which, in deference to his friends (for he, too, is a kind-hearted man), he has helped to make impossible, and after speaking in its favor voted against it.

The resolution of the Senator from Maine is a fair offer for free trade. That of the committee is at once a supplication and a threat to the other nations.

Its five points of trade-fellowship are sugar, tea, coffee, hides, and molasses. These are to be admitted free if the countries producing them will give us free trade to any extent that the President may see fit to demand. Otherwise the President, in his discretion, is to put them under the ban of high taxation. They are to become contraband of commerce in our commercial war.

It excites mirth to contemplate a proclamation of President Harrison imposing a tax of 3 cents a pound on coffee and 10 cents a pound on tea. He would shrink from it as he would from placing his naked hand in the hot kettles where these beverages were brewed.

The Committee on Finance must have been hilarious with light humors when they put on this grotesque mask, either to frighten Chinamen or to deceive their own constituents.

Sir John A. Macdonald, the premier of the Canadian Dominion, wisely says that there can be no reciprocity without reciprocation. The reciprocation we offer, of five leading imports—three of which we have long kept on the free-list in order to promote the welfare of our own people—in exchange for any or all of our productions as the President in his discretion may require, does not give much promise to the infant industry of free trade that the Finance Committee have taken to their bosoms for nurture.

The Senator from Delaware [Mr. GRAY] put the Committee on Finance to a crucial test when he made a slight modification of the amendment of the Senator from Maine and offered it as a substitute for the amendment of the Finance Committee. He changed it only to remove doubts about its constitutionality, and, as he offered it, it reads as follows:

SEC. 1. And the President of the United States is hereby directed, without further legislation, to declare the ports of the United States free and open to all the products of any country of the American hemisphere upon which no export duties are imposed, whenever and so long as the Government of such country shall admit to the ports of such country free of all national, provincial (state), municipal, and other taxes, flour, corn-meal, and other breadstuffs, preserved meats, fish, vegetables, and fruits, cotton-seed oil, rice, and other provisions, including all articles of food, lumber, furniture, and all other articles of wood, agricultural implements and machinery, mining and mechanical machinery, vessels or boats of iron, steel, or wood, structural steel and iron, steel rails, locomotives, railway cars and supplies, street-cars, refined petroleum, or such other products of the United States as may be agreed upon.

Every Democrat in the Senate voted for that amendment, and every

Republican against it. If this amendment was not prepared by Mr. Blaine, speaking of the one offered by the Senator from Maine, he and the President knew what it contained. It was of twin-birth with the message I have read. It came forth in the same travail, and it died at the hands of its brother. The infant industry of free trade that sprang from the loins of the committee, like a young serpent, devoured its brother.

The circumstances leave little or no room for doubt that the amendment of the Senator from Maine had the express approval of the President and of Mr. Blaine when it was offered in the Senate. It was the expression in legal form of a principle of tariff taxation announced by Mr. Blaine in a letter to the other Senator from Maine [Mr. FRYE] and more definitely formulated in the letter which the President sent to the Senate.

It was more than the expression of a principle; it was a measure, an enactment, a new and distinct feature to be incorporated in a great statute. It was like the propeller of a ship that could make the vessel go forward or backward upon a sailing chart that Congress should prescribe, or to change its course in a new direction. Mr. Blaine saw the rocks ahead in the course that the House of Representatives had laid out, and he knew that the world would say that he had forced the ship of state upon them.

Without openly repudiating the false principles that had led him into this error, he desired to have the power given him by Congress to reverse his course without being apparently responsible for having previously driven his party into a dangerous situation. He desired to wear the honor of having rescued his friends from a great peril, to which, however, he had exposed them. The amendment offered to this bill by the Senator from Maine [Mr. HALE] was, in every substantial and practical sense, the amendment of Mr. Blaine. The amendment reported by the committee came after that of the Senator from Maine [Mr. HALE], and was intended to supplant and overlay it, to destroy it.

It was a vaccination given by the learned doctors of the committee to the body of the bill, to prevent and forestall the fatal virus of free trade which Mr. Blaine intended to inject into it through the amendment of the Senator from Maine [Mr. HALE]. The learned doctors will claim the credit of having saved the life of the bill for the protection of trusts and monopolies against the popular epidemic of fair trade and equal rights, with which Mr. Blaine was about to destroy it, by inoculating it with a preventive. They adopt the theory *similia similibus curantur*, which the people translate into the crude phrase, "The hair of the dog is good for the bite."

On this plan of treatment they have succeeded in giving to this tariff bill the mildest form of the disease of free trade and have cured it entirely of that.

Mr. Blaine was saved from the rash folly of thrusting free trade into the McKinley bill by the timely cuning of the adroit and learned Committee on Finance. They surely are doctors of laws.

Instead of the seeds of death which he desired to plant in the bill his contribution to the scheme has not been allowed to germinate. The committee have composted the dead remains of his free-trade hobby—born out of season—with the burning and devouring acids of higher and fiercer taxation, and Mr. Blaine has been made to fertilize what he meant to destroy.

Like all good men he rejoices at the approach of death. In his jubilant letter to Col. W. W. Clapp, of Boston, dated September 15, 1890, he thus dwells upon and extracts consolation from the fact that his own theory of free trade was destroyed by the skill of the Committee on Finance. He says, speaking of the votes on the committee's amendment as to reciprocity:

Finally, there is one fact that should have great weight, especially with protectionists. Every free-trader in the Senate voted against the reciprocity provision. The free-trade papers throughout the country are showing determined hostility to it. It is evident that the free-trade Senators and the free-trade papers have a specific reason for their course. They know and feel that with a system of reciprocity established and growing, their policy of free trade receives a most serious blow. The protectionist who opposes reciprocity in the form in which it is now presented knocks away one of the strongest supports of his system. The enactment of reciprocity is the safeguard of protection. The defeat of reciprocity is the opportunity of free trade.

Yours very respectfully,

JAMES G. BLAINE.

BAR HARBOR, ME., September 15, 1890.

Any cheek but that of an inveterate politician would crimson at that statement. Mr. Blaine knew that every Democrat in the Senate had voted for his own amendment to the bill, which I have read, and every Republican, including the Senator from Maine [Mr. HALE] who offered it in connection with and in aid of the recommendations of his letter to the President, had voted against it. And because we thought and voted with the Senator from New York [Mr. EVARTS] and the Senator from Vermont [Mr. EDMUNDS], the great Republican leaders of the Senate, against the committee's amendment, he employs the cheap catch-word "free-traders" as an epithet towards us. He is so glad to live for a time even at the mercy of his own household that he loads with scoffs and revilings the men the friendly shelter of whose opinions he sought when his own people turned against him in his opposition to the McKinley bill as it passed the House of Representatives.

Mr. Blaine knows that the discretionary power conferred upon the

President to tax hides and tea and coffee, now on the free-list, and sugar and molasses at rates different from those in this tariff bill, whenever he shall conclude that the taxation of our productions by foreign states is unfair toward us, is at least a questionable power. He knows that it is a power that no prudent President will attempt to use.

Knowing these things he reproaches Senators for voting against the creation of these shorn powers and this mockery of reciprocity, which makes a show of good-will towards reciprocity in trade, but makes actual reciprocity impossible. He thanks us for defeating his scheme of reciprocity by giving it the full support of the Democratic strength in the Senate, while he reproaches us with groundless and insulting accusations because we voted against the amendment of the Finance Committee, which was successfully antagonized to his own amendment. He says that "they" (the free-traders) "know and feel that with a system of reciprocity established and growing their policy of free trade receives a most serious blow."

Where this blow comes from and who delivers it is more than any man can tell. The legendary question of "Who struck Billy Patter-son?" is very simple beside this politico-economic puzzle. We only know that Mr. Blaine did not strike that blow. Free trade is trade that is free from taxation, whether that freedom is secured by agreement with foreign countries or is the result of our own free action as to our internal policy.

If Cuba admits our flour free and if we admit her sugar free, that is free trade in flour and sugar as to that country. If we make a treaty by which the same result is obtained, that is equally free trade in flour and sugar.

If, in accordance with Mr. Blaine's original plan, as set forth in the amendment of the Senator from Maine [Mr. HALE], we so legislate that the goods we import from South America shall be admitted free of duty, provided the productions we send to the South American states, respectively, shall be admitted by them without taxation, that is free trade with the South American states. Mr. Blaine advocates this sort of free trade in all his recent public utterances. That he still calls himself a protectionist only displays his fondness for a pet name which seems to be more sacred in his affections than any principle of tariff taxation.

The Committee on Finance excuse their delinquency in bringing forth their little free-trade infant—free trade in five articles, provided the President likes it—on the ground that it is a very small baby and will not live long, and can do no harm, and is really intended as a little doll, with which the free-thinkers of their party may amuse themselves while the main business of the strong-listed monopolists is going on. It is like the Punch and Judy show at a horse fair. It is intended for amusement while the jockeys are growing rich selling their old stock of spavined animals.

It is marvelous and very sad that any American statesman should so cruelly undervalue the common sense of the American as to pretend to them that he is, in principle, a protectionist for the sake of protection, while he is openly advocating free trade with every nation that will admit our exports free of duty.

These catch words, "protectionists" and "free-traders," are frauds, and are used oftener to misdescribe and deceive than they are to express any substantial truth. Our vast free-list is, in every item, a free-trade schedule in the tariff laws.

There is a reason for having put each one of these hundreds of articles on the free-list, and that only reason is that it is better to have free-trade than to have protection in each of these articles.

The sugar schedule, as it came from the House to the Senate, is free trade in the paroxysm of a new liberty. Not only is it free trade, but everybody is taxed to make up a compensation for any loss that may follow to those who were recently fed by protection and are suddenly deprived of part of their income. A bounty is voted to the sugar-grower which the cotton-grower, corn-grower, wheat-grower, and all other producers must pay out of their earnings.

The vote of the Senate also gave this bounty to the sugar-grower, and, by taxing sugar of a grade as low as 13 Dutch standard, it gave to the sugar trust more than \$20,000,000 a year. The conference committee have finally given to the sugar trust all the free sugar they want—sugar that can not be used until it is refined.

This is free trade in sugar for the sugar trust, and a profit, secured by law, on all the sugars they refine above 16 Dutch standard.

This saw cuts both ways in their favor. These chosen free-traders—the elect of the new dispensation of subscribers to campaign funds—the sugar refiners' trust, illustrate perfectly Mr. Blaine's idea, that this sort of free trade is the most profitable sort of protection. It is this: that South America has nothing to export but crude productions, as they come from the hand of nature. We can afford to let these in free of duty because we need them to sustain our manufacturers. We will then tax our people on the goods made from this free material so as to prevent imports from other countries, and our pretext for this will be that South America opens her markets to our productions free from taxation.

If England or Canada offers us the same terms we will not accept the offer, because they will send along with their crude material their manufactured goods to compete in the home market with our manu-

facturers and to destroy their monopoly. He is for partial and limited free trade, regulated by the law in our country and in certain countries that have no manufactures.

The difficulty of securing this concordance of legislative action with any other state is obvious. And it we secure it with any one South American state and not with all, or the larger number, of them, the advantage to our people would be practically lost. But we are pledged in nearly all our commercial treaties that we will deal fairly and equally with all of the nations that deal fairly and equally with us. We agree not to discriminate against them, if they do not discriminate against us, in our tariff laws.

I will read the provisions of a few of those treaties. The treaty of 1832 with Russia provides, in Article VI:

No higher or other duties shall be imposed on the importation into the United States of any article the produce or manufacture of Russia, and no higher or other duties shall be imposed on the importation into the Empire of Russia of any article the produce or manufacture of the United States, than are or shall be payable on the like article being the produce or manufacture of any other foreign country.

Then it speaks of prohibitions of importation or exportation which it is not necessary to refer to, for we had no power to prohibit exports. Now, our treaty with Great Britain contains the same language with a modification. Article II provides:

No higher or other duties shall be imposed on the importation into the United States of any articles the growth, produce, or manufacture of His Britannic Majesty's territories in Europe, and no higher or other duties shall be imposed on the importation into the territories of His Britannic Majesty in Europe of any articles the growth, produce, or manufacture of the United States than are or shall be payable on the like articles being the growth, produce, or manufacture of any other foreign country.

We see here that the reciprocity in respect of this obligation not to impose other or higher duties on British commerce entering our ports is confined to the European possessions of Great Britain, and that leaves Great Britain free, as she has always remained free, to discriminate against us in tariff legislation in respect of our commercial intercourse with Canada. We have never been able to remove that. In fact, I do not know that we have ever made any serious effort to do it except in the free-trade treaty of Washington, as it is called.

The Senator from Wisconsin [Mr. SPOONER], who I see is in his seat, has recently declaimed in terms of severity and eloquence and ability against the unjust discriminations of Canada against our commerce, and yet we see from the exceptions made in the treaty of 1815 that Great Britain reserved that right to Canada and to herself, to herself first and to Canada after she became a taxing power, and she is merely exercising the right that she claims under the treaty of 1815, which we made no serious effort ever to change; and we can do the same thing. We can discriminate against her productions in the same way without in the slightest degree affecting our relations with Great Britain.

But as to European Great Britain we are bound by this treaty that whenever by law—not by especial treaty stipulation based upon a *quid pro quo* of a special nature—we provide a discrimination against Great Britain by providing a discrimination in favor of some other foreign country, at once we break the treaty of 1815. We do the same thing with Russia, as I have read the article; we do the same thing with Austria, the Argentine Confederation, Bolivia, Belgium, Colombia, Costa Rica, Denmark, the Dominican Republic, Ecuador, Mecklenburg-Schwerin, Great Oldenburg, the Hanseatic Republics, Hawaiian Islands, Hayti, Honduras, Italy, Liberia, Nicaragua, the Orange Free State, Peru, Paraguay, Portugal, Prussia, Salvador, the Swiss Confederation, and Tonga.

Now, what a vain and futile effort is this false pretense, this miserable sham that this great committee have brought before the Senate, when if the President of the United States should make a proclamation under it to carry it into effect he would violate the solemn engagements of the United States with every country I have mentioned. Of course the committee never supposed that anybody except the uninformed and unthinking masses of the busy people of this country would be for one instant mistaken in the stamp of fraud that this reciprocity arrangement puts upon that section of this tariff bill. They may recover from it, but they will have a long and serious sickness before there is any recovery from that disease that they have inflicted upon themselves.

I know of but one condition that will excuse a departure from this almost universal engagement, and that is, that we may make a special agreement by treaty with another nation for the exchange of the productions of the two countries on terms of mutual and special advantage. We can make all coffee free of duty. But if by law, and without any special agreement or equivalent, we tax the coffee of Porto Rico and let the coffee of Brazil come in free of duty, we declare a commercial war on the coffee of Porto Rico, and thereby violate our treaty engagements with Spain. We have the power to do all this, and will do it if we want a war of commerce. This has been done by other nations, but never without serious damage to their trade. A commercial warfare is the next worst condition to actual belligerency between nations. Friendly rivalry in commerce is the health of all nations and the true support of all civilizations and progress. When this degenerates into hostility all the world is injured by the conflict.

Why has not Mr. Blaine, in the two years of his official power, made, or offered to make, a treaty of reciprocity with some foreign country? He has had the clear overture of the Pan-American Congress, to which he refers in his letters with self-gratulation and cordial delight, that the South American states and those of Central America and Mexico are in a state of readiness to enter into such treaty engagements.

Does he share with the Senator from Vermont [Mr. MORRILL] and the Senator from Ohio [Mr. SHERMAN] in their often-expressed convictions that the treaty-making power has not and can not have any control of a question of taxation or of free trade under our Constitution?

Those Senators have always heretofore held that the treaty power does not include the power to regulate the revenues derived from taxation. Yet it has often been done, and is now being done in the treaty with Hawaii. Mr. Blaine does not take such ground, but expressly claims the right to negotiate such treaties. Here is what he says in the letter sent to the Senate by the President June 19, 1890:

The conference recommended that the several Governments represented negotiate reciprocity treaties "upon such a basis as would be acceptable in each case, taking into consideration the special situations, conditions, and interests of each country, and with a view to promote their common welfare."

The delegates from Chili and the Argentine Republic did not concur in these recommendations, for the reason that the attitude of our Congress at that time was not such as to encourage them to expect favorable responses from the United States in return for concessions which their Governments might offer. They had come here with an expectation that our Government and people desired to make whatever concessions were necessary and possible to increase the trade between the United States and the two countries named.

The President of the Argentine Republic, in communicating to his Congress the appointment of delegates to the International Conference, said: "The Argentine Republic feels the liveliest interest in the subject and hopes that its commercial relations with the United States may find some practical solution of the question of the interchange of products between the two countries, considering that this is the most efficacious way of strengthening the ties which bind this country with that grand Republic whose institutions serve us as a model."

It is therefore unfortunate that the Argentine delegates, shortly after their arrival in Washington in search of reciprocal trade, should have read in the daily press that propositions were pending in our Congress to impose a heavy duty upon Argentine hides, which for many years have been upon the free-list, and to increase the duty on Argentine wool. Since the adoption of the recommendations of the conference, which I herewith inclose, hides have been restored to the free-list, but the duty upon carpet wool remains, and, as the Argentine delegates declared, represents the only concession we have to offer them in exchange for the removal of duties upon our peculiar products.

This letter was prompted by the earnest desire of Mr. Blaine to prevent the repeal of the duties on sugar, as the House bill did, so that he might have those duties, equal to \$60,000,000 a year, to be used as diplomatic trading capital.

Mr. SHERMAN. Mr. President—

The PRESIDING OFFICER (Mr. DAWES in the chair). Does the Senator from Alabama yield to the Senator from Ohio?

Mr. MORGAN. Yes, sir.

Mr. SHERMAN. As the Senator from Alabama alludes to my oft-repeated opinions that the treaty-making power can not originate a revenue bill, and therefore can not negotiate anything except in the nature of a proposition to submit to Congress as to a law affecting the rates of duty upon imported merchandise, I will ask him whether the converse proposition is not true, that Congress has the absolute right not only to impose duties, but to leave to the President or to any other executive authority the determination of some fact upon the happening of which a duty may be either removed or may be levied. Is there any doubt about the power of Congress, first fixing the rate of duty and the circumstances and facts upon which its taking effect may depend, to leave to the President the power to determine that fact and to proclaim it as a fact and act upon it? Is there any doubt about it?

Mr. MORGAN. The Senator is not discussing the question that I presented at all.

Mr. SHERMAN. I thought that was the question involved in this bill.

Mr. MORGAN. No, sir; I present these questions, and the Senator from Ohio and the Senator from Vermont, on the same committee with myself, have always denied the constitutional power to make treaties of reciprocity regulating the tariff duties between two countries in any sense.

Mr. SHERMAN. I have never changed my opinion upon that subject. I never voted for such a reciprocity treaty so far as I know, because I believe that the power to originate every bill in regard to our tariff duties is in the House of Representatives, and until Congress acts the treaty-making power can not be called into existence to propose a rate of duty.

Mr. MORGAN. That is the point I was discussing, the constitutional power of the Senate of the United States in conjunction with the President to originate what Mr. Blaine claims in his letter that I have just been reading—to originate a treaty of reciprocity, a commercial convention with any foreign country for the purpose of regulating what the tariff shall be.

I will not wander, Mr. President, as I promised myself that I would confine myself to the text of my prepared remarks on this occasion.

Mr. SHERMAN. I have no desire to interfere with the Senator, but I inferred from his remarks that he thought I had yielded some-

what and given away my opinion upon the question of the right of the treaty-making power to originate either a tax or the repeal of one.

Mr. MORGAN. Later on I shall read a letter from the Senator from Ohio which will convince him that he has yielded.

Mr. SHERMAN. I shall be glad to hear it. I do not think I have.

Mr. CARLISLE. If I understood the Senator from Ohio, his proposition was that it was entirely competent for Congress to provide that upon the ascertainment of a certain fact the President might remit duties already imposed by law, or impose duties.

Mr. SHERMAN. According to law.

Mr. CARLISLE. According to law. I suppose there is no controversy about that proposition; but the question which I desire the Senator from Alabama to notice is whether this bill does not go far beyond that and authorize the President, not merely to ascertain a state of facts, but confide to his judgment and discretion alone the question as to whether the circumstances have arisen under which he ought to impose duties. The President is not directed by this bill to ascertain any particular fact and upon the ascertainment of that fact impose a rate of duty prescribed by law, but it is provided that whenever in his opinion any country imposes taxation or other restrictions which in his judgment are unequal and unreasonable, he shall impose these rates of duty. All that Congress does in the matter is to prescribe the rate of duty, leaving all the circumstances, the entire question whether it ought or ought not to be imposed, to the judgment and discretion of the President himself.

Mr. MORGAN. The Senator from Kentucky—

Mr. CARLISLE. I beg pardon of the Senator from Alabama, but I supposed it might not be in the line of his written remarks.

Mr. MORGAN. It is not in the line of my written remarks, and was not put in the line of my written remarks for the reason that I have heretofore discussed that point in the Senate, and I am not in the habit of repeating myself if I can avoid it. I think I afflict the Senate about enough with a single appearance on a subject; but I will state what my rendition of this bill is.

Mr. SHERMAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Alabama yield?

Mr. MORGAN. In a moment. My rendition of the third section of the bill is this, so far as the question of constitutional power given to the President is concerned, that it gives to the President the right to determine the expediency of taxing coffee at 3 cents a pound and tea at 10 cents a pound, and hides at a cent and a half. All that we do is to say what rate an article shall be taxed at if the President, in view of all the surroundings here and abroad, looking over the whole world for his facts and without any necessity for disclosing them to anybody, should deem that it was expedient to put a tax on tea and coffee, and a different tax on sugar from that contained in the bill. That is my ground of objection to its constitutionality.

Mr. SHERMAN. All I have to say in answer to the remark made by the Senator from Kentucky is, that if it becomes material I am entirely prepared to show by authority that the Congress of the United States has exercised the same power time and time again in regard to a great multitude of provisions in the tariff laws. If we go into that discussion I can show, too, by judicial authority of the courts of the United States and the State courts where the questions have arisen, that that power has been sustained, and that propositions of that very kind have been made here at this session on the other side of the Chamber and have been voted for by the great body of the Senators on that side. I think this argument has been pretty well gone over by my friend from Wisconsin [Mr. SPOONER], but if it should become involved in the adoption of this report, I believe I am prepared to show that in every stage of our history Congress has left a like discretion, similar in its nature, to the President of the United States.

Mr. MORGAN. Mr. President, the Senator from Ohio is a very learned statesman, and he is full of information in regard to the public affairs of this country and doubtless understands the bearings of statutes and legislation at large; but it reminds me of the case of an Irishman who had a lawyer in my State, and had a discussion with another person about the ability of his lawyer. He said his lawyer knew more law than anybody in the world, he was satisfied, and the only difficulty about him was that he could not separate it. Now, that is the difficulty with the Senator from Ohio on this case. He can not find a case in legislation where this language was used.

Mr. SHERMAN. Not this precise language, but—

Mr. MORGAN. He can not find one in any judicial decision where this language was used. He can not find one in the whole range of legislation or judicial determination which gives to the President of the United States, or to anybody else, the right to determine upon the expediency of imposing a tax upon the people of any kind or changing a tax from one figure to another. That is an authority that can only exist in the law-making power of this country. It is reserved to it, and any other law than that would be utterly and presumptuously and ridiculously unconstitutional.

Mr. SHERMAN. You never find two cases exactly alike, and you never find two provisions of law exactly alike, but the principle involved has been decided and acted upon over and over again.

Mr. MORGAN. No; in order to get the same principle into two

laws you have got to have the same provision. The Senator can not find it. I challenge him to produce it in the course of this debate, and if he does not do it the world will understand that he can not do it.

Mr. President, in the eagerness of Mr. Blaine to grasp the power I have been speaking of, the power of \$60,000,000 as diplomatic trading capital, he says in the letter to which I have referred:

To escape the delay and uncertainty of treaties, it has been suggested that a practicable and prompt mode of testing the question was to submit an amendment to the pending tariff bill authorizing the President to declare the ports of the United States free to all the products of any nation of the American hemisphere upon which no export duties are imposed, whenever and so long as such nation shall admit to its ports free of all national, provincial (state), municipal, and other taxes, our flour, corn-meal, and other breadstuffs, preserved meats, fish, vegetables and fruits, cotton-seed oil, rice and other provisions, including all articles of food, lumber, furniture, and other articles of wood, agricultural implements and machinery, mining and mechanical machinery, structural steel and iron, steel rails, locomotives, railway cars and supplies, street-cars, and refined petroleum.

I mention these particular articles because they have been most frequently referred to as those with which a valuable exchange could be readily effected. The list could, no doubt, be profitably enlarged by a careful investigation of the needs and advantages of both the home and foreign markets.

The opinion was general among the foreign delegates that the legislation herein referred to would lead to the opening of new and profitable markets for the products of which we have so large a surplus, and thus invigorate every branch of agricultural and mechanical industry. Of course the exchanges involved in these propositions would be rendered impossible if Congress, in its wisdom, should repeal the duty on sugar by direct legislation, instead of allowing the same object to be attained by the reciprocal arrangements suggested.

It has been so often and so persistently stated that our tariff laws offered an insurmountable barrier to a large exchange of products with the Latin-American nations that I deem it proper to call special attention to the fact that more than 87 per cent. of the products of those nations sent to our ports are now admitted free. If sugar is placed upon the free-list, practically every important article exported from those states will be given untaxed access to our markets, except wool.

There is no abandonment of the treaty-making power in that statement. There is only a hint that it is too slow to meet the disasters that the McKinley bill is about to inflict upon the country in giving up \$60,000,000 annually of our diplomatic trading capital.

Mr. Blaine, following a lead that has become blind to the constitutional distribution of powers in our Government, and is the common highway out of all difficulties that seem to lie in the way of anything that a political party may find it expedient to do, resorts to the President as the embodiment of all power. The prerogatives of the crown were never insisted upon more earnestly in the privy council of any king than the power of the President is to rule the country in the interests of his party. And no more complete example of this assumption of power could be given than is to be found in the amendment of the Committee on Finance which is now a part of this bill.

No case will ever arise under this section of this bill which a court can settle.

The President could not frame a proclamation upon its provisions that would not, on its face, violate the Constitution of the United States.

If he should say in his proclamation, "I have examined all the tariff laws of Brazil. I am satisfied that the Government of that country, which exports coffee, imposes duties upon the products of the United States which, in view of the free introduction of such coffee, I deem to be reciprocally unequal and unreasonable. I therefore suspend the provisions of the act of Congress relating to the free introduction of such coffee for ten years—that being the period I deem just. And I further declare that, until I shall otherwise order, by proclamation, coffee exported from, or the product of Brazil, from whatever country it is exported, is subject to a duty of 3 cents a pound, as provided in said act of Congress."

Such a proclamation is the only one he could make under the third section of this bill. It is so preposterous on its face that it can not be intended to be a serious proposition that will be enforced.

But when Mr. Blaine saw that Congress could not be forced to retain the \$60,000,000 a year of duties on sugar and molasses as diplomatic trading capital, and that the sugar trust would be selected in preference to him to use this vast sum of money, he accepted his defeat with what grace he could and turned upon the free-traders and reviled them for not having voted for this placebo to his wounded pride and this anesthetic to relieve his lacerated sensibilities.

As to the President, this power, thus magnified in words that are the swelling utterances of a legislative sarcasm, is no more than the tin sword intended to amuse a little boy on a holiday occasion.

It is a shame to indulge in such jesting pretenses on a subject so solemn and interesting. A reciprocity with foreign nations, to be coerced from them by such a proclamation, and which, being withheld by them, shall react on our own people and impose a tax of 3 cents a pound on coffee, 10 cents a pound on tea, a cent and a half a pound on hides, all of which are now on the free-list, besides increased taxes on sugar and molasses, is not so great a possibility as to give foreign nations much concern.

What is it to China if tea is taxed 10 cents a pound, or to Brazil if coffee is taxed 3 cents a pound? Our people are compelled to have tea and coffee, and what we add to the price, under our tax laws, does not affect the cost of tea in China, or of coffee in Brazil.

We are punished enough under this bill in paying tribute to trusts and capitalists, without further punishing us in order to compel China

and Brazil to admit the products of our manufacturers duty free into those countries.

If this reciprocity sham had enough substance in its retaliatory provisions ever to be put into operation, through the proclamation of the President, it would be the most unjust oppression that a free people were ever called upon to submit to.

No Democrat of modern times has ever discouraged fair and reciprocal trade with foreign countries. This has been the life of every Democratic movement, the pledge of every convention, the burden of every essay and argument in Congress and in every Democratic journal until it has become the fixed and settled policy of the Democratic party. It is now antagonized for the first time by the open and avowed declarations of the friends of the McKinley bill that the measure we are now considering is a tariff for protection with revenue as an incident; that the leading purpose of this act is to prevent all importations that compete with anything in our markets that can be produced or substituted in our country.

This is the demand of monopoly made upon the politicians, and it has been uniformly opposed by the Democracy.

The people joined the Democratic party on this issue and have given frequent, large majorities, 100,000 in the last Presidential election, in favor of fair trade and reciprocity with foreign Governments, and against unequal privileges to capital and monopoly, whether in the hands of individuals or of corporations.

These majorities have startled the great leaders of the Republican party. In their alarm they are looking out for the opportunity to get to the head of the column and lead a sentiment that will otherwise crush them. They fasten their eyes upon the safe harbor, as they think it is, of free trade, not fair trade, secured by contract or treaty with foreign countries or by threats of retaliatory laws and proclamations against them; and they steer desperately to reach that port.

The Republican party divides on this new movement, and in their efforts to heal their divisions they reach a compromise on the strictly neutral ground, the dead center of opposing forces, arranged in the third section of this bill.

Free trade, on the Blaine idea, and prohibition of all trade, on the McKinley idea, meet in equal opposition in the third section of this bill, and they create a scheme of reciprocity which can not reciprocate. The engine stops on its center until the President, by a proclamation, shall start it in a forward or a backward movement, at his pleasure. That engine will never turn a wheel! It puts reciprocity in a "state of innocuous desuetude."

The second grade of statesmen, who deal in "soap" and "fat" and "blocks of five," and other vulgar helps to force majorities in returning boards and in precincts and in the Houses of Congress, serve their masters—the trusts and monopolists—through the cabalistic triangle, so disgraced in our political history "addition, division, and silence," while the first grade of statesmen, who aspire to the Presidency, look out over a wider field and think of the people and of free trade and reciprocity.

Mr. Blaine advocates free trade with South America, the Senator from Ohio [Mr. SHERMAN] looks hopefully to reciprocal treaties for free trade with Canada. He denied the constitutionality of free trade with Hawaii, and he now pleads for "special arrangements for reciprocity and trade" between the two countries.

His letter to Mr. Wiman is an important proof of his radical conversion to reciprocity. I will read it. It is short and pithy:

SENATE CHAMBER, Washington, September 15, 1890.

DEAR SIR: Your note of the 13th, inclosing one from Mr. Goldwin Smith, is received. The provisions of the McKinley bill no doubt apply with some severity to Canada, but the bill is general in its application to all countries. It is no doubt a high protective tariff, and will test the policy of such a law. It is not especially aimed at Canada, but is general in its terms. I do believe that with a little forbearance and moderation on both sides of the line the feeling will become universal here that special arrangements for reciprocity and trade should be entered into between the two countries.

There is no purpose to wage commercial war on the Dominion of Canada with a view to force annexation. Such a thought, I suppose, never entered the mind of a member of Congress. If there is any feeling here for annexation it grows out of the belief that annexation would be better for the people of both countries, and not from a wish to annex, or conquer, or persuade the people of Canada to become a part of the United States. I intend, at the first opportune moment, to offer a resolution for reciprocity, and test the sense of the Senate.

JOHN SHERMAN.

Mr. ERASTUS WIMAN.

I have been looking with anxiety for that resolution to come in.

Mr. SHERMAN. The Senator will see that not only is that entirely consistent with what I have said, but it explains more definitely and distinctly than I did a moment ago my position. I strongly believe in reciprocal relations with Canada, and have for years, but I never undertook to bring those relations about by treaties. On the contrary, I have introduced propositions in Congress by the action of both Houses to bring about reciprocal relations. It so happens now that Canada is in a position where it can pass laws upon the subject, and if Congress will pass a law authorizing certain articles to be admitted duty free or upon certain conditions from Canada, they would make reciprocal arrangements not by treaty, but by a law.

Those are the reciprocal relations that I referred to there. I spoke of introducing a measure before Congress. I did the other day introduce a measure looking to the action of Congress. I do not believe the

treaty-making power extends to either putting on or taking off a duty, but I do believe that the two countries could by mutual laws greatly advance the trade and prosperity of both countries. That has been my position all along.

Mr. MORGAN. How could there be a special arrangement with Canada for reciprocity in trade without some agreement?

Mr. SHERMAN. It could be done by mutual legislation.

Mr. MORGAN. Without any understanding at all?

Mr. SHERMAN. Yes, sir; I introduced a bill to that effect.

Mr. SPOONER. Suppose we should pass a law upon condition that Canada should do a certain thing, would that be an agreement?

Mr. SHERMAN. I introduced a bill to that effect here, making coal duty free from Canada, to take effect when Canada by a similar law admitted our coal duty free into Canada.

Mr. MORGAN. I know very well that the Senator from Ohio is a very sagacious gentleman. There is no one more so in this country. He looks forward to the sudden breaking down and extermination of that doctrine which he has been advocating all his life, a high protective tariff, and hence he apologized for the McKinley bill in this very letter by saying "it does look to be somewhat severe upon Canada." The Senator sees that there is a coming fall of this high, massive pinnacle of protection that we have been erecting for the benefit of trusts and the interested classes, and he wants to stand from under; and I do not blame him. So, having committed himself that he would not go into a convention or into a treaty, he would yet go into a special arrangement for reciprocity in trade to be entered into between the two countries, not by parallelism of legislation in each, but a contract between the two countries.

If it was Mr. Gladstone who was speaking on a subject of this kind connected with the American policy, he would rise in the Senate and say, "I have been mistaken in my opposition heretofore; I was mistaken in regard to the constitutionality of the Hawaiian treaty, and the treaty with Mexico that General Grant and Mr. Trescott negotiated, and the treaty of Washington, and the treaty with Spain that Mr. Arthur negotiated; I have been mistaken in regard to the constitutional power of Congress to ratify and confirm a treaty of that kind, and finding that free trade with Canada, limited or unlimited, is the best for both countries, I unhesitatingly change my policy," as Gladstone did when, after having been an opponent of the Irish people in the privy council, he came out afterwards and threw himself into the breach to prevent the overthrow of what little of life, to say nothing of liberty, was left in that great country.

No, sir, whatever the Senator meant, Canada understands him to be entirely willing, if he were the premier of the United States at this moment, to enter into a treaty with Canada in regard to this matter of reciprocal trade. There can not be free reciprocity between two countries in the interchange of their commerce where either country taxes the same article that the other imports and the other country taxes the same article that the other exports. That is an impossibility. I do not care to argue upon refinements that have no substance in them. The meaning of this is all plain enough, the country will not misunderstand it.

Here is a Roland for Mr. Blaine's Oliver. The Senator from Ohio is suddenly so impressed with the necessity of free trade with Canada, and the danger of the "severity" of the McKinley bill towards those Tory provinces, that he is afraid that his zeal for the alleviation of this hardship will cause Canada to fear that he is advocating annexation, when he is only apologizing to our neighbor for an apparently unfriendly attitude in this severe bill.

While the greater lights of the Republican party are thus leading on to free trade, the lesser lights are sticking the more closely to protection for the sake of monopoly. They hold to the cash advantages of the McKinley bill, and leave to the greater men the advantages of the sentiment it is made to express in favor of free trade. All of them agree, however, on three practical facts—addition, division, and silence. They add to the duties until they are prohibitory; they divide the benefits, but have much trouble about it; but they destroy the investigating commission, voted by the Senate, so that silence and darkness shall "reign supreme" and hide their troubles.

Some discussions in the Senate since this bill passed this body have disclosed to the conference committee the fact that it is unwise and dangerous to put this measure on the statute-books and let the light in upon its workings, and they close and bar the door against inquiry and investigation by men who are sworn and placed under official obligation to inform Congress and the country as to its effect upon all the industries and classes of this great country.

The body of the Democratic party in the Senate voted against this provision for raising a commission. In company with two other Democrats I voted for it. The commission was to be appointed, as nearly as could be, in equal numbers from the great political parties. I had the hope that this feature of this bill would finally withdraw tariff taxation from the category of political or party issues.

That this needs to be done is apparent from the fact that neither this tariff nor any other that we have had has commanded the sincere approval, in all its details, of any man who has ever voted for a tariff bill. This bill has not the approval, in this respect, of any man in

either House of Congress. It has passed, in its present shape, only under the stress of party discipline.

But it is a party measure, and will draw into the elections very large sums of money, to be used in corrupting, or purchasing, or controlling them.

"A free ballot and a fair count" are impossible when hundreds of millions of dollars depend upon the vote of a doubtful State or a doubtful Congressional district. This is, and is to be, the case while the tariff is regulated in party conventions, as this tariff has been. The pledges of the Chicago convention have been quoted, construed, and insisted upon ten times, as the obligatory rule of action, during the debate on this bill, where the Constitution has been once alluded to as having any effect upon our votes.

It was objected on the Democratic side of the Chamber that the President would appoint Democrats as commissioners who would favor the principles of the McKinley bill. In my opinion, there is not one Democrat in the United States who would frame a tariff law on the avowed principles upon which this bill is based if he had full power to decree a tariff law. It may just as well be said that the Republican conferees who have destroyed this provision of the bill feared that the President would appoint men like Mr. Blaine or the Senator from Iowa as commissioners, who support the bill as a party measure, believing that its principles are not sound in political economy, and that it will recoil upon its inventors, to their serious discomfort.

In any case Americans must trust their Government to do what is right and best for the country, and rely upon the powers of the Senate and of the people to compel honest and faithful administration.

Party behests, and these alone, have required the rejection of this important measure of relief against the oppressions of the McKinley bill.

This action of the conferees is, to my apprehension, the most decisive evidence that the McKinley bill is to become a political set-fast upon the country, and that in darkness and secrecy it is to run its full course to the bitter end. This bill is the political apotheosis of "addition, division, and silence."

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed a bill (H. R. 12163) making an appropriation to supply a deficiency in the appropriation for compensation of Members of the House of Representatives and Delegates from Territories; in which it requested the concurrence of the Senate.

INTERNATIONAL AMERICAN CONFERENCE.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting *verbatim* reports, in English and Spanish, of the discussions of the International American Conference; which was referred to the Committee on Foreign Relations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of State, in pursuance of the requirements of section 5 of the act of Congress approved May 24, 1888, transmitting the official minutes of the International American Conference, recently in session at this Capital; which, with the accompanying papers, was referred to the Committee on Foreign Relations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of State, in pursuance of the requirements of section 5 of the act of Congress approved May 24, 1888, transmitting a statement of the disbursements of the appropriation for the expenses of the International American Conference; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

COMPENSATION OF SENATORS FROM NEW STATES.

Mr. HOAR, from the Committee on Privileges and Elections, reported the following resolution; which was read:

Resolved, That in the judgment of the Senate the Senators from the newly admitted States of North Dakota, South Dakota, Montana, and Washington are entitled to receive their compensation as Senators from the date of the admission of their States.

Mr. HOAR. I desire that the resolution may go over so as to be in order in the morning. I also submit a report to accompany the resolve.

The resolution and accompanying report were ordered to lie on the table and be printed.

THE FUR-SEAL FISHERY.

Mr. MORGAN. I ask unanimous consent to introduce a resolution for which I ask present consideration.

The VICE-PRESIDENT. The resolution will be read for information.

The Secretary read as follows:

Resolved, That the President be requested to communicate to the Senate, if not incompatible with the public interests, copies of all orders and instructions issued since the 1st day of March of the present year, to the commanders of revenue vessels, and other officers or employés of the United States, respecting the regulation or protection of the fur-seal fishery in the waters of Alaska and of Behring Sea.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. SHERMAN. I inquire if the phrase "if not incompatible with the public interests" is inserted in the resolution?

The VICE-PRESIDENT. It is.

Mr. SHERMAN. Then I have no objection to the resolution.

The resolution was considered by unanimous consent, and agreed to.

PAY OF SESSION EMPLOYÉS.

Mr. MORGAN submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the employés of the Senate now receiving pay, and who are not borne on the annual rolls, shall have additional pay at the rates now allowed them for thirty days after the date of the adjournment of Congress, to be paid out of the contingent fund of the Senate.

THE REVENUE BILL.

The Senate resumed the consideration of the report of the committee of conference on the bill (H. R. 9416) to reduce the revenue and equalize duties on imports, and for other purposes.

Mr. ALDRICH. I ask for the question on the pending report.

The VICE-PRESIDENT. The question is on concurring in the conference report upon the tariff bill. Is the Senate ready for the question?

Mr. COCKRELL. Mr. President, I should like if the Senator from Rhode Island making this report would condescend to give the Senate some information as to the changes which have been made by the conferees in the bill as it was passed by the Senate. I understand that the changes involve millions of dollars, and yet not one solitary explanation has been given. It is due to the country. This is the same process that you started when this bill was brought into the Senate. You refused to answer this demand, and yet before the discussion was through half the time of the discussion was occupied on that side of the Senate Chamber. Now, it does seem to me that we are entitled to have some explanation made of what is done and that the Senate shall not, the day this report is made, undertake to force a vote upon it. It is neither just nor fair nor right.

Mr. ALDRICH. I do not desire to force a vote upon this question if any Senator wishes to occupy the attention of the Senate. It seems to me from indications which must be apparent to every one that the Senate at least is tired of this discussion. I am quite willing for one that the vote shall be taken without any further time being consumed upon either side of the Chamber; but if the Senator from Missouri or any other Senator desires to proceed with the discussion, of course I have nothing to say in that respect except to express a desire and a disposition to have a termination reached at the earliest possible moment.

I stated in what I said in submitting the report, what the Senator from Missouri perhaps did not understand, that the conference report had been printed in the RECORD on Saturday last, and that it had been printed in connection with the bill as it came from the House of Representatives and as it passed the Senate, in a form which is before Senators, subject to their inspection and investigation.

Of course the Senator from Missouri does not expect me or any other Senator to take up each one of these items and state what is the effect of the changes made. He can ascertain that as easily and as readily as any Senator can. We have discussed, as the Senator from Connecticut [Mr. HAWLEY] very well suggests, every item of this bill fully in the Senate, within the hearing of all the Senators upon that side of the Chamber.

Mr. COCKRELL. Will the Senator permit me to interrupt him just there?

Mr. ALDRICH. Certainly.

Mr. COCKRELL. That is true; but we do not know what the conference has done. We know what the Senate did, but we have not been advised as to what changes the conferees have agreed upon in the work of the Senate. We have not discussed that, and we know nothing about it.

Mr. ALDRICH. I have already suggested to the Senator that the report has been read in the hearing of the Senate this morning; that it has been printed for three days; and that it has been laid upon his desk. He certainly does not expect—

Mr. COCKRELL. Did I understand the Senator to say that the report was printed on Saturday?

Mr. ALDRICH. It was printed on Saturday in the RECORD, I think.

Mr. COCKRELL. I did not know that the report had ever been printed until Saturday. We got the bill Saturday.

Mr. ALDRICH. It was printed in the RECORD of that day.

Mr. COCKRELL. I got it Saturday evening and went home with it. That is the first time I saw the bill and the report, and I do not apprehend anybody else saw it before then.

Mr. ALDRICH. It was printed in Saturday morning's RECORD.

Mr. COCKRELL. It was printed in Saturday morning's RECORD. Certainly I never saw it until 12 o'clock on Saturday.

Mr. ALDRICH. If it is evident that Senators on the other side of the Chamber are not ready to vote on this question, and if they will indicate any time when they will be ready or the time which they will desire for discussion, I am sure they will find a disposition on this side to meet them in the spirit of the utmost liberality.

Mr. COCKRELL. So far as I am concerned, I do not know that I shall consume any time upon it, but I know the Senator from Kentucky [Mr. CARLISLE] desires to be heard, and it is right and just to us that he should be heard. He is indisposed to-day, and therefore we do not think it is right for him to occupy the time now.

Mr. CARLISLE rose.

Mr. ALDRICH. I am quite sure if the Senator from Kentucky desires to postpone his remarks until to-morrow, and some time can be fixed at which a vote can be taken, there will be no objection to that on this side of the Chamber.

Mr. COCKRELL. If the Senator will wait a moment I will explain the situation, as I was going to do. The Senator from Kentucky can, as a matter of course, proceed, and will do it if necessary, but it is due to him that he should have until to-morrow. He may be feeling much better then. His indisposition is unavoidable. There are probably one or two other Senators who will want to be heard. They did not expect this report to be disposed of to-day. There is other business that can be disposed of this evening which will amount to a final disposition of it. We shall come to a vote just as soon if we do that, and there will not be one solitary moment of unnecessary time consumed in the discussion upon this side of the Chamber, as there has not been from the beginning. I do not know whether we can get to a vote to-morrow or not, for I can not tell when some speeches have been made what will be developed and what they may lead other Senators to desire to do, but I feel perfectly certain, so far as I have heard an expression on this side, that if a vote is not reached to-morrow it will be reached the next day.

Mr. ALDRICH. I am unwilling, so far as I am concerned, to postpone the discussion of this question unless we can have an understanding at to when a vote shall be taken to-morrow. If we can arrange that, I have no objection, especially on account of the request of the Senator from Kentucky to have the matter go over until to-morrow, but I think in fairness that Senators upon that side of the Chamber ought to indicate some hour at which time they will consent to a vote being taken, and I would suggest to the Senator from Kentucky that we fix the time at 3 o'clock to-morrow.

Mr. CARLISLE. I will say, Mr. President, that it seems to be expected that having served upon the conference committee and upon the Ways and Means Committee of the House as well as upon the Senate Finance Committee while this bill was under consideration, I should say something before the debate is closed, and I expected to do so. I am suffering somewhat from a cold to-day, and would much prefer to say what I have to submit to-morrow; but of course if it is absolutely necessary I can proceed this afternoon for a while, at least, and so far as I am concerned I should very gladly agree with the Senator from Rhode Island upon a time to take the vote if it be agreeable to other Senators, but I have no information upon the subject, and the Senate, as everybody knows, has been very thin to-day and there has been no opportunity for consultation upon the subject.

I do not know of anybody now who wants to speak on this side of the Chamber except myself, nor do I know what the situation is on the other side of the Chamber. There has been one speech made upon this side of the Chamber, and I suggest if any Senator upon the other side desires to participate in the discussion he should go on now, leaving the Senator from Rhode Island and myself as members of the committee to come in afterwards if that is agreeable to the Senate.

Mr. ALDRICH. I would suggest that we fix the time at 4 o'clock to-morrow for taking the vote, with the understanding that the time prior to that, say after 12 o'clock, shall be devoted, two hours to the Senator from Kentucky, and two hours to the members of the committee who may desire to speak upon this side of the Chamber, and that we meet in the morning at 10 o'clock, and that the time between now and 2 o'clock to-morrow be given to general discussion.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Rhode Island?

Mr. ALDRICH. I will put it in this form: I now ask unanimous consent that the vote may be taken upon the pending conference report at 4 o'clock to-morrow, and that after 12 o'clock to-morrow, for two hours, the Senator from Kentucky [Mr. CARLISLE] shall be entitled to the floor, and after 2 o'clock the members of the committee on this side of the Chamber shall have charge of the time, and that the time between now and 12 o'clock to-morrow shall be devoted to the general discussion, and that we meet at 10 o'clock to-morrow morning in order to give everybody an opportunity to speak who may so desire.

Mr. HOAR. Is that to interfere with the routine morning business?

Mr. ALDRICH. Not with the routine morning business.

Mr. HOAR. I wish to ask the Senate to take up at some time, either to-day or to-morrow morning, the resolution I reported from the Committee on Privileges and Elections providing for the compensation of Senators from the newly admitted States. That ought to be passed at this session.

Mr. ALDRICH. There will probably be time enough for that on Tuesday.

Mr. BLAIR. I would say to the Senator that I desire that the attention of the Senate may be called to the labor bill which has been

discussed and is partially disposed of, and I hope no arrangement will be undertaken that will interfere with action upon that bill.

Mr. ALDRICH. I do not seek to interfere with any business which the Senate may see fit to take up outside of this report. I desire that the time which I have mentioned may be given to the consideration and disposition of the report.

Mr. HAWLEY. What does the Senator expect between now and 6 o'clock to-day?

Mr. ALDRICH. I expect a general discussion of this report.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Rhode Island?

Mr. BLAIR. I object to the day being taken up. I desire, if necessary, to ask for the consideration of the unfinished business. It is not apparent that any one desires to discuss the conference report. No one seems to be ready.

Mr. ALDRICH. That is within the disposition of the Senate. A majority of the Senate can determine whether they will proceed this afternoon or not.

Mr. BLAIR. I object to a unanimous consent of that kind unless somebody is ready to discuss the conference report.

Mr. ALDRICH. It does not require unanimous consent to that part of it, I take it. The Senator does not object, I understand, to the request I have made as to the conference report?

Mr. BLAIR. As to the time of taking the vote, certainly not.

Mr. ALDRICH. And as to the disposition of the time after 12 o'clock to-morrow?

Mr. BLAIR. Not in the slightest.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Rhode Island?

Mr. COCKRELL. Let us hear the request again.

Mr. ALDRICH. That the vote be taken on the pending question at 4 o'clock to-morrow afternoon; that at 12 o'clock the Senator from Kentucky [Mr. CARLISLE] shall be entitled to hold the floor for two hours, and from 2 o'clock to 4 the members of the committee on this side shall have the time at their disposal, and with the understanding that such time as is necessary between now and 12 o'clock to-morrow shall be given to the general discussion.

The VICE-PRESIDENT. Is there objection to the request?

Mr. BLAIR. I do not wish to be understood as waiving objection to the appropriation of this day to the tariff discussion.

Mr. ALDRICH. That was not part of my request.

Mr. BLAIR. But it was put in towards the close.

Mr. HOAR. I understand that so far as to-day is concerned it does not require unanimous consent. This is a conference report and is privileged.

The VICE-PRESIDENT. The Chair understands the request made by the Senator from Rhode Island to apply to the action of the Senate to-morrow from 12 to 4 o'clock. Is that the understanding of the Senate? Is there objection?

Mr. COCKRELL. Yes, sir, there is objection. I say frankly that we shall end this discussion, but there are two or three Senators on this side who desire to speak. A Senator may commence speaking and questions may be put to him and he may want to occupy a little more time than an iron-rule limit will allow.

I am satisfied that the fixing of a time to-morrow will not hasten the final vote upon this bill. In the discussion by some Senator, some statement or point may be made that a Senator would desire to reply to for five or ten minutes.

There will probably not be more than two speeches on this side, and Senators on the other side may want to reply to some statements which may be made.

Now, this report coming in here, as voluminous as it is, to-day, and asking us, when we have had no opportunity of considering it, no opportunity of conferring one Senator with another to see what we want, to agree upon a hour to-morrow as early as 4 o'clock and to meet at 10 o'clock, I do not think is fair. I do not think it is giving us a fair opportunity at all.

I can give assurance, I think beyond any question, that the vote can be taken the day after to-morrow just as soon as the discussion is through, if not taken to-morrow evening. It is possible it may be ended to-morrow evening. But there will not be one solitary word said for the purpose simply of delay. We are anxious that this matter shall be disposed of, and just as anxious to get away from here as are the Senators upon the other side; but we do ask a fair opportunity of showing what this report is. The Senators upon that side declined to make any statement of what has been done by the conferees. It is only a mere suspicion on our part, and we have got to take the report and make the calculation. They have presented nothing as to what will be the effect of the changes made in the conference report, and unfortunately a great many of the changes are of such a character that we can not tell what will be the effect of them, nor can they tell on that side.

In a measure of this kind we think that a little more latitude ought to be allowed than is proposed by the Senator from Rhode Island. Liberty to have more opportunity, if we desire it, is all that we ask, and we think it is just and right.

Mr. ALDRICH. Mr. President, I understand, then, that the Senator from Missouri will object to any time being fixed for the voting to-morrow?

Mr. COCKRELL. At this time. We may agree to-morrow very readily.

Mr. ALDRICH. Then I desire to give notice that I shall try to keep this report before the Senate until it is disposed of, and I shall ask, at half past 5 o'clock, that a recess may be taken until 8 o'clock this evening, in order that we may proceed with its consideration.

Mr. REAGAN. Mr. President, by the ordinary rules of discussion those who advocate the passage of this report ought not to insist that all the opposition should be made to it before any expression comes from them in favor of the bill. It seems to me unfair and unjust that it should be insisted on the other side to have two hours to close the debate on the bill, and to offer no arguments to be met until that time comes.

Mr. ALDRICH. We are quite content with the bill and the report upon this side of the Chamber.

Mr. REAGAN. That is not an answer. The Senator insists on two hours to argue it after this side has expended its time.

Mr. HOAR. That is not the purpose. I understand it to be the purpose of the Senator from Ohio [Mr. SHERMAN], to take the floor now.

Mr. GRAY. Mr. President, I am somewhat surprised at the tone of the Senator from Rhode Island [Mr. ALDRICH] in threatening that we must stay here until midnight or some late hour unless we agree at once to this very peremptory suggestion that we close the debate to-morrow at 4 o'clock, or whatever the hour named was. I do not believe that the country, whatever may be the people's predilections in regard to this tariff bill or the tariff question in general, will view with entire equanimity and complacency the hurrying of this most important measure through its last stages without even the opportunity for examination, without opportunity to know what the conferees on the part of the Senate and the House have really reported.

I for one, sir, am in ignorance of all that they have reported. I have not had the opportunity nor has any Senator on either side had the opportunity to acquaint himself in such a fashion and in such measure as becomes him in the discharge of his duty, with what this conference report really is, and I demand here in the name of the people who are to bear the burdens of this bill when it becomes a law that there shall be at least reasonable time in order to examine this report, to make inquiries from those who are more particularly informed about it, the conferees on the part of the Senate, in order that we may vote with information and with the light that we are entitled to, and without which it is our duty to refuse to accelerate the passage of this bill.

We have not heard one word from the conferees on the part of the Senate; we have not heard one word from the chairman of the Finance Committee or the Senator who has charge of this bill as to what the scope of this report is or what are its leading features, how far concessions have been made by the Senate, how far concessions have been made by the House, how many Senate amendments are retained, and how many we have been obliged to give up.

Now, sir, here is a measure that when it becomes a law is, it is said, to remain a law without the possibility of modification or repeal for at least ten years. I have heard that over and over again from the other side of this Chamber; and yet this peremptory and railroad sort of management of this conference report is suggested on that side when there is not the least provocation for it.

There has been no attempt at delay; there is not the suggestion of a dilatory speech or a dilatory motion upon this side, but we do demand that there shall be reasonable opportunity for the examination of this report and for the understanding of what are the modifications which have been made by the conference committee; and as the Senator from Louisiana [Mr. GIBSON] suggests, there has been no explanation on that side by any of the conferees as to what the effect of this bill is to be upon the revenue, although I know that certain Senators on that side have more than once during the progress of the debate said that the revenue is of no importance, that they had not considered the revenue in laying these imposts; yet we are concerned to know just what the effect upon the revenue is to be, whether it is to be increased or whether there is to be a real reduction as professed in the title of this bill.

These are matters which common decency demands should be investigated with some little deliberation, some show at least of exercising our functions as Senators and legislators, and not to be threatened with being kept here after hours of fatigue to be forced into compliance with a measure that is to lay taxes without precedent upon the shoulders of the people of this country.

Mr. ALDRICH. The Senator from Delaware could not have been attentive to the course of discussion and of business, or it seems to me he would not have made the speech which he has just made.

The Senator from Alabama [Mr. MORGAN] finished his speech, and to all appearances there was no one else in the Senate who desired to address the Senate upon the subject, and I called the attention of the Presiding Officer to my desire that a vote might be taken. Then the Senator from Missouri [Mr. COCKRELL] rose and stated that there was a desire on the part of the Senator from Kentucky [Mr. CARLISLE] to

proceed to-morrow. I at once acceded to that request and tried to have an hour fixed at which the vote might be taken to-morrow, supposing that that arrangement would at least include all the opportunities which any Senator upon that side might desire to have to discuss this question to its fullest extent, and I am surprised that the Senator from Delaware, in view of the statement which I then made, should say that there was any haste upon this side of the Chamber in regard to it. I stated distinctly then that it was not my desire to cut off any one who desired to discuss this report, but that I wished that some time might be fixed within reasonable limits when the vote should be taken.

Mr. GRAY. Allow me to ask my friend from Rhode Island if he did not distinctly give notice upon the objection of the Senator from Missouri that he would ask that the Senate sit here until 6 o'clock and then take a recess until 8 o'clock.

Mr. ALDRICH. Half past 5.

Mr. GRAY. And then have a night session?

Mr. ALDRICH. Certainly. I was desirous that the Senator from Delaware and those gentlemen who with him wish to speak upon this subject should have the amplest opportunity.

Mr. GRAY. That is depriving us of any opportunity. If we sit to-night we shall have no opportunity to examine the report which the Senator as one of the conferees has given us.

Mr. ALDRICH. If it is the desire of the Senator to examine the report, I hope he will accede to my request and agree that a time be fixed at which the vote shall be taken.

Mr. GRAY. But the Senator threatens us that unless we do accede to his request we shall have to sit to-night and fatigue us into compliance.

Mr. ALDRICH. I do not threaten Senators at all. I simply stated that I should do what I believed to be my duty in this regard, and that is to press this report for consideration until it is disposed of. That is the only notice I have given, and that is my only intention.

Mr. GRAY. I will say to the Senator we can arrive at a vote a great deal sooner if the Senator does not press this proposition to-day, the very first day the report has been placed on our desks.

Mr. SHERMAN. Mr. President, I desire to occupy the attention of the Senate for a comparatively short time. I have not given to this bill the care and attention which other Senators on the Committee on Finance have done, nor have I participated in its preparation as fully as they. This bill is largely based upon the bill which passed the Senate in 1888, the work chiefly of the Senator from Rhode Island [Mr. ALDRICH], the Senator from Iowa [Mr. ALLISON], and the Senator from New York [Mr. HISCOCK]. For all the labor that has been expended upon it they are entitled to the credit. I have, as a member of the Committee on Finance, participated in framing all the former tariff laws which have passed for many years, but as to this bill I have done only what I thought was my duty, in keeping pace with their labor and in examining it as far as I could consistent with other duties, and gave my judgment upon its details whenever I thought it was necessary.

Now the bill is here before us in its final stage, and I was amazed at the sharpness with which the Senator from Delaware chided the Senators on this side of the Chamber for their impatience for a vote after four months' consideration of this bill, four months of weary, weary talk. That Senator says he does not understand its provisions.

Mr. GRAY. Where was the four months of debate on this bill?

Mr. SHERMAN. Here.

Mr. GRAY. In this Senate?

Mr. SHERMAN. Well, more than two months in the Senate and two months in the Committee on Finance.

Mr. GRAY. Two months is not four months.

Mr. SHERMAN. I think this bill came here in May and it has been here ever since.

Mr. HAWLEY. It passed the House May 21, it was referred to the Senate Committee on Finance May 25, it was reported to the Senate with amendments June 18, and on September 10 it passed the Senate with amendments.

Mr. SHERMAN. It remained here four months.

Mr. GRAY. The Senator from Ohio, if he will permit me, said that it had been debated here four months and weary speeches had been made here. It has been considered here about two months.

Mr. COCKRELL. When was it reported back to the Senate?

Mr. SHERMAN. Let us look at it. Here is a bill that has remained in the Senate four months.

Mr. GRAY. What time?

Mr. SHERMAN. Four months from the 21st of May.

Mr. GRAY. The Senator stated that it had been debated four months.

Mr. SHERMAN. It has been debated in committee and here.

Mr. GRAY. We know nothing of what goes on in committee.

Mr. SHERMAN. And we had it here two months.

Mr. GRAY. It has been debated here two months and there have been four hundred amendments offered to it.

Mr. SHERMAN. Very well. Has not that been the course of all these tariff bills? The Senator says he does not know what has been done by this conference committee. They have considered four hundred amendments of which probably three hundred were inconsequen-

tial, changes of phraseology or something of that kind, and there were probably one hundred amendments that involved some difference of opinion as to rates and classification. The Senator could have known what is contained in this bill if he had brought his acute intellect and his superior intelligence to the subject. If he had spent one hour on it he would have found out exactly what was done with all these amendments, for they are all numbered, and precisely what was done on each amendment. It is here stated in the first pages of this report. In the House of Representatives, where this bill originated the conferees are required to report the recommendations made by a committee of conference, and here have done so. In the CONGRESSIONAL RECORD, containing now almost twelve thousand pages, I find one and a half columns are devoted to stating the sum and substance of all the changes in this bill. If the Senator will turn to page 11457 of the RECORD he will find on a little less than a page a statement signed by W. McKINLEY, JR., J. C. BURROWS, THOMAS M. BAYNE, and N. DINGLEY, JR., which gives the substance and result of all the amendments acted upon in the committee of conference.

Mr. GRAY. Will the Senator permit me a moment if I do not interrupt him?

Mr. SHERMAN. Certainly.

Mr. GRAY. According to the Senator's theory we might dispense with debate entirely and read the record of debates in the House and not trouble ourselves or consume time and wear out the patience of the people of the country by debating at all.

Mr. SHERMAN. If the Senator was so anxious for information as he now professes to be and complains that we have not given him the information, here the information is furnished to him, and it is not necessary or usual for us to repeat at this stage of the bill all the speeches made and read all the documents printed in this and the other House.

Mr. President, I have this to say in compliment to the conferees on both sides and of both parties, that the publication of their proceedings and of the amendments proposed and made in the committee of conference has been more ample and plain in regard to this tariff bill than any tariff that was ever framed in the Congress of the United States. There has been more done in respect to this tariff to give it publicity, so that every plain man could see exactly what was done, than ever has been done heretofore in my knowledge in respect to any tariff law. This printed report not only gives the amendments proposed in the same way as in ordinary conference reports, but it gives the text as it stands amended, so that any one may see precisely what is proposed by the conference.

Now, let us go a little further and see what this bill is. The great body of the bill, I should say four-fifths of it, is precisely as it passed the House of Representatives after a long debate there. The main, material features, and the most important features of the bill as it stands now, are just as they came to us from the House. Take, for instance, the woolen schedule and the great body of the bill, and I may say four-fifths of it has not been changed or amended in the least. The principal amendments which have been adopted in the Senate involve not more than a score of debatable propositions.

It is true the question of a tariff, whether it shall be a tariff for revenue or a tariff for protection, is always with us and always will be with us as long as time lasts. The general questions involved in a tariff discussion are as old as the Constitution itself, certainly as old as the First Congress. They have been debated time out of mind. From the nature of a tariff law it is necessary that constant changes should be made, because, however perfect may be the form of a tariff law this year, in five years the change of production and manufacture, of consumption, the change of markets, demands a change of the tariff. Therefore it is that in most countries, even in those that are free, where the popular voice is heard in legislation, the necessary changes in the tariff laws are made by executive authority. It is so in our neighboring country, Canada, and it is so largely in other countries, that the power to change and modify tariff rates and regulations rests with the executive, and not with the legislative authority, in order to meet the necessities of constant changes.

So as to our tariff laws. A change and revision has been demanded by both parties since 1883. The tariff law of 1883 did not give satisfaction to the people of the United States. It had many imperfections in it. I always thought the great error was made in 1883 in not making as the substantial basis, as the real substance of the tariff law of that year, the report of the Tariff Commission. Whether that was wise or unwise, it is certain that the tariff of 1883 never gave satisfaction. There were defects found in it in a short time, and from then till now the subject of the revision of the tariff has been a matter of constant debate in both Houses. It has been the subject of political debate before the people of the United States in two several Presidential campaigns, and the election of at least two Congresses depended upon questions arising out of the tariff, until finally the Republican party, controlling in the Senate, and the Democratic party, controlling in the other House, undertook to bring before the people of the United States their rival theories as to the tariff. We had the Mills bill two years ago. It was very carefully examined and sent to us as a Democratic production. It came here and in place of it there was substituted what was called the

Senate bill of 1888. That was sent back to the House, and the House disagreed to it, and thus this controversy was at once cast into the Presidential election. Here were the platforms of the two great parties embodied in the form of bills, and the choice between them not having been decided in Congress was remitted to the people, and the people of the United States passed their judgment upon the general principles involved in these bills.

Now, what are those general principles? I think I can state them very clearly and very briefly. On the one hand, the Democratic party believe in a tariff for revenue only, sometimes they say with incidental protection, but what they mean is a tariff intended solely to raise money to carry on the operations of the Government. On the other hand, the Republican party believe that we should do something more besides merely providing revenue, but that we should so levy the duties on imported goods that they would not only yield us an ample revenue to carry on the operations of the Government, but that they would do more; that they would protect, foster, and diversify American industry. This broad line of demarkation entered into the Presidential contest.

Mr. President, the result of it all is that the Republican party carried not only both Houses of Congress, but they carried the popular voice, elected the President, and now all branches of the Government are governed by the Republican ideas, and not by the Democratic ideas.

What then was done? The House of Representatives took up the Senate bill of 1888, revised it, modified it, and changed it so as to suit the popular will of the present day, and sent it to us, and we made some changes in it, and that is the bill now before us. To say that any one can be misled or may be deceived or does not know the contents of this bill is to confess a degree of ignorance that I would not impute to any Senator of the United States or to any member of Congress.

There are two or three principles involved in this bill: first, that it is the duty of Congress to foster, protect, and diversify American industry. We believe that whenever a new industry can be started in our country with a successful hope of living with a reasonable protection against foreign manufactures we ought to establish it here, and that that is a good policy for the country. It is not necessary for me to show that this policy is as old as our Constitution; that Washington proclaimed it; that even Jefferson and Madison and the old Republican Presidents of the former times were in favor of that doctrine; and that General Jackson advocated it in the most emphatic way in many different forms of speech. It has come down to us, and we are trying now to carry out that idea, to encourage home production by putting a tax upon foreign productions. As this tax does not apply to home production, therefore it is a protection against the importation of foreign goods to the extent of the tax levied. We think that this tax ought to be put at such a rate as will give to our people here a chance to produce the articles and pay a fair return for the investment made and for the labor expended at prices higher in this country than in any country in the world. That is the first rule, and I believe that that rule has been carried out, and I think liberally, and so as to secure increased production at home and a larger market.

As I said in my letter, quoted here awhile ago, it is a high protective tariff, and it is put upon that basis, that we shall put such duties upon foreign goods the like of which we can manufacture in this country as will induce, persuade, and tempt American capital and American labor to supply our people with that article instead of the European article.

There is another principle involved in this bill. We propose to make the articles that can not be produced in this country free of duty; and therefore it is that this bill, for the first time in our history, provides for the admission of a greater amount in value of foreign goods free of duty than any tariff bill ever before framed in our history; so that now more than one-half of the imported goods, upon the basis of last year's importations, will be admitted free of duty, and the duty is levied only upon the other half.

That is a principle in direct violation of the Democratic idea. We say that such articles as tea, coffee, sugar, all the spices, all those things that can not be produced in this country on account of our climate, ought to pay no tax, because any tax upon them is a direct tax upon the consumer. We say that they ought to be admitted free; that we ought to waive our right to levy a revenue upon this class of foreign goods. The Democratic theory is just the opposite. If they would be logical, as they rarely are, in framing their tariffs, they would not only put a duty upon sugar, but upon the tea, coffee, spices, and upon all those articles which enter into the common consumption of life, because that is the true way for a revenue duty. A revenue duty ought to be fairly and impartially placed upon all articles of importation alike. Our theory is that every article which can not be produced in this country should be imported duty free without any restraint or limitation whatever, and we have furnished here a bill that does admit \$380,000,000 worth of goods, upon the basis of last year's importation, free of all duty or tax whatever.

Mr. CARLISLE. Does the Senator mean to say, when he refers to last year, the fiscal year 1890 or 1889?

Mr. SHERMAN. Either; it makes no difference.

Mr. CARLISLE. If the Senator refers to the fiscal year 1889 he is mistaken in his statement, because our importations, dutiable and free,

were more than \$741,000,000, while under this bill the articles still remaining upon the dutiable list amounted in value this year to more than \$390,000,000. So there is not one-half put upon the free-list, by \$40,000,000.

Mr. SHERMAN. The statement, as I saw, makes the amount of goods admitted free of duty greater than the amount that is subject to duty.

Mr. CARLISLE. The Senator has only to look at the official reports and he will find—

Mr. SHERMAN. The Senator says that is not so by \$30,000,000 or \$40,000,000. I will not dispute with him, because I have not the figures before me; but, if that is the case, that is more than has ever been done by any other tariff measure. According to his own statement nearly one-half of the imports in this country are by this high protective tariff admitted free of all duty, so the consumer gets the benefit of these essential articles that enter into the home of every family free of all duty; and the other half is subject to a variety of duties.

Mr. GIBSON. Will the Senator from Ohio permit me to ask him a question?

Mr. SHERMAN. Certainly.

Mr. GIBSON. I understand the Senator from Ohio to say that the Republican doctrine is to apply the tariff system to such commodities as may be produced in this country?

Mr. SHERMAN. Yes, sir.

Mr. GIBSON. I should like to have the Senator say why it is that sugar is taken out from among the protected industries and is placed with those that are not worth being included within the protective system.

Mr. SHERMAN. I intended to come to that after awhile, but I will answer that now to satisfy the Senator. Experience has shown that the cane sugar of Louisiana does not amount to anything like even a fair proportion of the sugar necessarily consumed in this country, and therefore it is, as I shall show hereafter, that we propose not to put the sugar-planter on a worse footing, but we propose to get the benefit of cheap free sugar and to give to the Louisiana planter and to the new industry that has sprung up in modern times, the manufacture of sugar from beets and from sorghum, a bounty of 2 cents a pound. But I am rather ahead of my time in that. The Senator will see that we can not produce sugar enough; I believe only about 10 per cent. of our supply now is from domestic sugar. If I am mistaken about that I will take a correction.

Mr. GIBSON. Will the Senator permit me to make a suggestion?

Mr. SHERMAN. Certainly.

Mr. GIBSON. Does the Senator make any allowance whatever for the circumstance that this industry, an American industry, has been confronted by a policy on the part of European Governments whereby a large bounty is paid for all sugars exported by the people of European states, and that not only the sugar industry in Louisiana, but the sugar industry of Cuba, in fact all the cane-sugar industry, has fallen off in proportion as the beet industry has expanded under the bounty system which prevails in Europe? I should like then to ask the Senator if the reason which he assigns for excluding the sugar industry from the protective system, namely, because we do not produce enough to supply the American market, might not be applied also to other industries like wool, for instance, which is an industry in the Senator's own State and which is included in the protective system, although I believe we only produce about one-third of the quantity of wool consumed in the United States.

Mr. SHERMAN. The Senator is wrong in his figures as to wool, but this kind of debate only shows the great folly and the great injustice of endeavoring to conduct debate in the Senate not in the old-fashioned way. Now, I am willing to be diverted a little and will follow this sugar matter. The Senator says that the Republican party that framed this bill discriminates against sugar. I give him as a reason why that, as they have shown now for twenty-five years, since the close of the war, they are not now able to produce more than comparatively a small portion of the sugar for use. But, on the other hand, there has sprung up in European countries a new manufacture, which, in my judgment, in ten or fifteen years will supersede the sugar-cane entirely. There is found sugar in everything, but in larger quantities and in more productive yield in the form of beets, a very lowly and humble vegetable of the kitchen-garden. It is found that of this vegetable from 12 to 16 per cent. is sugar, and as fine a sugar as was ever produced from the cane. By the exigencies of war in the time of Napoleon the French were compelled to resort to the expedient of trying to make sugar from beets. The Germans followed, and a rivalry followed in the production of these two nations, which, with Austria and Italy combining, now produce more sugar from beets than from all the cane in the world. When we come to meet this changed condition of things, how idle, how foolish it would be for us to protect by a discriminating duty the growth of sugar from the cane in Louisiana.

But, on the other hand, the Republican idea is that we take a broader scope, not to the injury of the people of Louisiana, not to make a sectional question of the tariff, but that they would adopt the same example set them by these wise nations of Europe and encourage

the production of sugar from the beet; and that is done by this bill. Whether it is the wisest mode or not I do not know. My first impulse was all against this. My first impression was that it would be better and if I had had the framing of this bill I should have made it so as to continue one-half of the old duties on sugar and give a bounty out of those duties to the producers of sugar in our country. That would have been my way, to have been tentative, to have been cautious, not to have gone so far. But the sentiment of the people, the sentiment of the House of Representatives, which we are bound to respect as the representatives of the people, and the sentiment here in this Chamber, was that it was better to make one blow at once, to strike sugar from the dutiable list and give a bounty of 2 cents a pound, or the full, fair average of the duty on sugar. So no one will be injured.

Now, there will be a rivalry in our own country, as there is between Germany and the West Indies, as to whether sugar-cane or sugar-beets will yield at the lowest cost the largest amount of sugar; and that struggle of industry will be settled, no doubt, in a short time. Then you will have free sugar; and I have no doubt the time will soon come when we shall have plenty of sugar of American growth to supply the needs of our people.

Mr. GIBSON. I should like, if the Senator will allow me, to correct a mistake of fact.

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Louisiana?

Mr. SHERMAN. If I have made a mistake I shall be glad to have it corrected.

Mr. GIBSON. The Senator says it has been found impossible to make any progress in the development of the sugar industry in Louisiana and that wonderful progress has been made in the European states.

Mr. SHERMAN. In beet sugar, I said.

Mr. GIBSON. In beet sugar. Now, I think it but due to the Senator that I should state that the extraordinary development of beet sugar has taken place in the last ten years; that in the last three or four years the very system which has caused this extraordinary development in European states has been applied successfully to the cane production in Louisiana; and that we have not only doubled the quantity of cane per acre that may be produced, but we have doubled the quantity of sugar that may be extracted per ton of cane. Yet when we have this prospect of applying here this system to the cane industry and to the importation of the beet industry here upon a scale that promises success, the Senator declares that it is the policy of the Republican party, notwithstanding its doctrine to give protection to American industries, to exclude this particular industry from the scope and benefit of a protective system.

Mr. SHERMAN. Now, Mr. President, I deny that.

Mr. GIBSON. I believe the Senator intends to be fair, but I can not see the justice of this bill, nor how it accords with the Republican doctrine that protection should be given to American industries, for I find among the schedules in this bill many industries protected—I need not enumerate them, but the tin-plate industry, which is proposed to be established here, and many more which have not produced a sufficient quantity, though they are a hundred years old, some of them, to supply the American market. I should like to have the Senator explain that, so that the country will understand the discrimination which has been made against this sugar industry in the West and South.

Mr. SHERMAN. I will explain, and I hope no Senator will feel that I am discourteous if I go on and finish my remarks, which have already been prolonged more than I intended.

The Senator says that we deny to the people of Louisiana the benefit of our protective policy. On the contrary, we make them an exception in favor of protection. We do what never has been done before in our history. We give to this article in which they are so deeply interested a bounty fully equal to any duty ever imposed upon sugar, a bounty of 2 cents a pound. So we discriminate in favor of sugar, but we do not discriminate in favor of sugar from cane as against sugar from beets, nor *vice versa*. The Senator says that since the modern discoveries in the mode of rendering sugar from beets—and they have been adopted by the cane-growers—they have been able to make also the same application of the mode of treating the cane that is now used in treating beets. Well, it is a wonder. It seems to me if they had been all Yankees down there they would have found out before this process by diffusion, I believe it is called.

Mr. GIBSON. Many of our leading farmers and planters of sugar have always been Yankees.

Mr. SHERMAN. I am glad to hear it. Now, they have the same duties exactly as the makers of sugar have elsewhere, with this great advantage: the sugar industry of Louisiana, although insufficient for our wants, is there established, while the beet and sorghum industry is yet to be established. So they have that great advantage, and no discrimination has been made against them.

Now, there is only one other principle in this tariff bill which, with some slight exceptions, has been applied fairly and justly, and that is that in framing a tariff for revenue and protection those articles which enter into the consumption mainly of the rich or are articles of taste, like tobacco, brandy, wine, etc., should pay the higher rate of

duty. That is upon the principle that a tax should be applied as slightly as practicable in order to secure protection to articles of prime necessity, but that a higher rate of duty should be applied to articles of luxury or articles which people are better off without than with. That principle has been carried out in this bill further than ever before. The tax on brandies and wines, the tax on imported tobacco and luxuries of that kind, on articles of taste, has been applied more than in any former bill, and that discrimination has been founded upon that principle. The result of it is that you have this tariff bill before you.

In some of its provisions I think the rates too high. In some of its provisions I think they are too low. I could take this tariff bill and make a good many amendments to it that would suit me better, but in a bill involving a tax upon more than a thousand different articles, including all articles that enter into commerce and trade, I know it is impossible to have an absolute agreement upon them, and therefore when on the whole it appears that the bill has carried out certain main principles, which ought to govern in framing a protective tariff, I am content to take the details as they are furnished by very intelligent committees of the two Houses.

This bill is framed not only by Republicans, but by Democrats. As the Republicans are most in number, they dictate the final form of the bill. All the provisions of the bill have been considered, with ample opportunity for every provision to be known.

I say, therefore, that while this is a high protective tariff and carries the principles of the Republican party to their logical sequence—of giving such a duty upon foreign products as will induce our own people to embark in the same industries and productions—I believe that this tariff will operate well. It will be the beacon of prosperity. It will add to our production. It will add to our industrial strength. It will be only of a piece with that policy which for thirty years has changed the character of our nation from a nation mainly pursuing farming as an industry to a nation rich in everything, not only with as many farms as before, but with manufacturing establishments all over our country.

I look upon it as a bill that is fair and just to all sections of the country. It will be more wide in its benefits to the people of the South than to the people of the North, because in the North we have established in a certain way nearly all branches of industry, but in the South they have not. But they have facilities in some of the Southern States that we have not, and I have no doubt the time is not far distant when the general sentiment of the people of the Southern States will be that a protective tariff has doubled or trebled their wealth, has added to their population, has removed in a measure the cloud that now rests upon them from the race issue that threatens them from time to time; and I believe that they will rejoice in the very policy that has been opposed so boldly and strongly and urgently by their Senators and Representatives.

My friend from Rhode Island has handed me the exact figures as to the difference between the Senator from Kentucky and myself. I find that there will be admitted free under this bill \$365,406,000, and subject to duty \$390,437,000. So it is very nearly one-half, the difference between the two being only \$25,000,000.

Mr. GIBSON. I ask the Senator what would be the effect of taking sugar, this Southern industry, out from among the articles to be admitted free?

Mr. SHERMAN. Take eighty millions off and there would be three hundred and ten millions left—more by this bill than any other tariff bill that ever was framed in Congress, excluding sugar entirely.

Mr. President, there is one feature of this bill about which I think a few remarks ought to be made—and I am speaking without special order—and that is what are called the reciprocity sections. I have said all I care to about sugar and the reason why it was made free. I think the most doubtful problem involved in this bill is as to whether sugar had better be made all free or only partly free. But that is a question now settled, as I stated, by the judgment of the people and of both Houses of Congress, and by, I think, the general feeling even in the Senate.

Mr. President, in connection with the bounty on sugar we had to deal also with another question that is not a new one at all; it has been presented over and over again. That is the question of inviting reciprocity with other nations. When it was supposed that that was a new discovery there was a good deal of talk about it, but it has been debated here in the Senate for nearly fifty years.

The first treaty with Canada was made in 1854. It was tried and was not satisfactory to the people of the United States, I think partly because the people of Canada did not behave themselves well, as we thought, during the war. I think that had about as much to do with it as anything else. So far as the advantage of trade in either way, both parties claimed that they lost by it, or at least that the other gained by it. But at any rate it was abandoned, and another treaty was made, and finally abandoned, mainly on account of the fisheries dispute.

Now, in respect to other reciprocity treaties, we have had them with Spain and with Mexico. Those of us who were here and know how those treaties were received appreciate the fact that such a treaty has a hard road to travel. The Mexican treaty contained a great many

wise and good provisions, and on the whole would have been an advantage to both countries. I voted against it because I did not think that the Executive had any authority to initiate a treaty of that kind, and other Senators did the same; but the Senate finally ratified the treaty. A law was necessary to carry it into effect. In the House of Representatives there was a very large Democratic majority and the House refused to pass such a law. The treaty fell still-born, and nothing more was heard of it.

Then a very judicious, a very ingenious, and a very able treaty was made by Mr. Foster on the part of the United States with the Spanish Government that contained also some provisions that would have been beneficial to both countries. It was sent here and was finally withdrawn by the Democratic Administration of Mr. Cleveland, and there was the end of it.

Now, Mr. President, when we are about to remove the duty on sugar, having already removed the duty on tea and coffee and hides, it was observed that the balance of trade with the countries producing these articles was largely against us; that they bought from us but little, while we bought from them largely. While we admitted their productions free of duty, they levied very large and in some cases discriminating duties on our productions. It was proposed to give the President some discretionary power, not to negotiate a treaty, but to invite by reciprocal legislation or otherwise (in most of those countries it would be done by the executive authority) such changes of their duties on our productions as in the opinion of the President would be reciprocally equivalent to the liberal provisions we had made for the admission of articles of their production now on the free-list, or proposed to be made free, with a stipulation that in case these countries did not do what the President thought was reasonable and right, after a certain time, on a fixed day, duties should be again imposed upon these articles when coming from countries refusing reciprocal advantages.

As I understand the Senator from Kentucky, he contends that this is unconstitutional, that we have no right thus to delegate such a power. I said awhile ago that if I had the time I could find numerous precedents; but I can refer him to two or three striking cases where as great or greater powers were bestowed upon the President of the United States than are proposed by this bill. The most famous case is the embargo bill, a bill approved by Thomas Jefferson and enforced by James Madison. Every student of American history is familiar with the passage of the embargo law, which did more to destroy our own navigation than that of the nations against whom it was aimed. By the fourth section of the act of March 1, 1809, it was enacted—

That from and after the 20th day of May next it shall not be lawful to import into the United States, or the Territories thereof, any goods, wares, or merchandise whatever, from any port or place situated in Great Britain or Ireland, or in any of the colonies or dependencies of Great Britain, nor from any port or place situated in France, or in any of her colonies or dependencies, nor from any port or place in the actual possession of either Great Britain or France.

Here was a law absolutely prohibiting the importation of all articles from Great Britain and France. What power was given to the President in connection with this act? Let us see. By the eleventh section of the same act it is provided—

That the President of the United States be, and he hereby is, authorized, in case either France or Great Britain shall so revoke or modify her edicts as that they shall cease to violate the neutral commerce of the United States, to declare the same by proclamation, after which the trade suspended by this act and by the act laying an embargo, etc., may be renewed with the nation so doing.

What is the power here given? The power is to accept any proposition, to make any modification, to make any change, accept any provision, any compromise whatever. It leaves to the President to determine when the orders of council are revoked—what amounts to a revocation, whether their edicts are modified; and, if so, whether the modification is sufficient; and allows the President to determine whether what they propose to do ceases to violate the neutrality of the commerce of the United States. Then he was at liberty to throw open the doors of our ports to the ships of France and Great Britain. The act confers on him not only a partial power over two or three articles of import, but over the whole of the importations coming from these two great and powerful countries. This power was maintained as constitutional by the courts. Here is a case in the United States courts sustaining the constitutionality of that act, the case reported in 7 Cranch, to which my friend from Wisconsin [Mr. SPOONER] alluded the other day.

Mr. CARLISLE. Mr. President, I do not like to interrupt the Senator, and will not do so unless it is entirely agreeable to him.

The VICE-PRESIDENT. Does the Senator from Ohio yield?

Mr. SHERMAN. Certainly.

Mr. CARLISLE. The Supreme Court in the case to which the Senator refers did not discuss this question at all. They simply passed it over by saying it was in the power of Congress to enact laws conditional or dependent upon a future event, which is a proposition, as I said this morning, which nobody disputes. Now, the act to which the Senator refers simply requires the President, when he is satisfied that certain foreign nations have ceased to violate the laws of neutrality or the neutrality rights of this country, to issue a proclamation to that effect, and then the act itself says that the prohibition or embargo shall cease. It does not leave the President to establish the embargo or to remove it, but says that whenever he issues his proclamation it shall cease.

It is true that the language of the act is very broad and gives to the President, I concede, quite a large discretionary power in determining whether they are violating the rights of neutrality or not, but the law itself says that it shall cease, and does not leave it to the President to say when the embargo shall cease.

Mr. SHERMAN. I think the Senator from Wisconsin [Mr. SPOONER] put to the Senator from Delaware [Mr. GRAY] a pretty hard proposition, because certainly the proposed amendment to the tariff bill goes far beyond any power conferred upon the President by this tariff bill. But I do not wish to enlarge the argument, because it was thoroughly stated by the Senator from Wisconsin and it is not necessary to repeat it.

I now call attention to the language of the powers conferred by this tariff bill, and it falls far short of many other cases in the statutes. They are not alike at all, because the proposition here is much milder. Section 3 provides:

That with a view to secure reciprocal trade with countries producing the following articles, and for this purpose, on and after the 1st day of January, 1892, whenever, and so often as the President shall be satisfied that the government of any country producing and exporting sugars, molasses, coffee, tea, and hides, raw and unseamed, or any of such articles, imposes duties or other exactions upon the agricultural or other products of the United States, which in view of the free introduction of such sugar, molasses, coffee, tea, and hides into the United States he may deem to be reciprocally unequal and unreasonable, he shall have the power and it shall be his duty to suspend, by proclamation to that effect, the provisions of this act relating to the free introduction of such sugar, etc.

That is, the sugar is made by this proposed act free of duty, but if the President finds that these nations that are benefited by the provisions of the bill will not respond in some friendly way by giving some reciprocal advantage to us in the exportation of our products into their countries, then the President of the United States shall announce that fact, and that is all it is. We do not give him the power to make laws, to impose duties, but we say he shall proclaim a fact. Spain, for instance, refuses to make any concession to us because of free sugar. Spain refuses to allow our flour and wheat, productions necessary for the consumption of her own subjects, to enter her ports except upon the payment of exorbitant duties. Therefore, the President shall proclaim that fact, that the trade relations are not reciprocal and not fair and just. Then Congress says that from and after a certain time the duty on these articles coming from those countries shall be so and so. Nothing is left to the President of the United States except the mere examination of facts, to ascertain whether the nations producing articles are willing to yield what in his judgment would be reciprocally equivalent to the advantages we confer by our laws upon them. That being done, that fact being proclaimed, then the duty is imposed by the act of Congress, not by an act of the President. The law takes effect upon the happening of a contingency to be determined by the President. Such a provision as that is not only within the scope of the authority of the Government, but it is within the limits of numerous precedents.

I have not had time since the colloquy this morning with my friend from Kentucky to look over the authorities, but I find here in the Statutes at Large several of these provisions. I will read the first:

SEC. 4223. Upon satisfactory proof being given to the President, by the government of any foreign nation, that no discriminating duties of tonnage or imposts are imposed or levied in the ports of such nation upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported in the same from the United States or from any foreign country, the President may issue his proclamation, declaring that the foreign discriminating duties of tonnage and impost within the United States are suspended and discontinued.

Here the President of the United States is authorized, by a law that has stood time out of mind, to actually suspend the operation of the law, to discontinue it by his proclamation and by his act. As a matter of course he must be satisfied upon satisfactory proof.

There are other provisions here about vessels of Prussia, about Spanish vessels coming from any port or place in Spain or her colonies where no discriminating or countervailing duties or tonnage are levied. The President must decide whether duties so levied are discriminating or countervailing, precisely what he does under this bill. If they discriminate against us, if they are countervailing against our policy, as a matter of course he suspends the operation of our laws.

Mr. GRAY. Mr. President, I wish to interrupt the Senator for a moment. Is not that merely the ascertainment of a fact by him?

Mr. SHERMAN. What is the other but the ascertainment of a fact, whether a nation has or has not done what in his judgment is a compliance? He must discriminate; he must say whether what they have done is reciprocal or fair and just, or, to use the language of the law, which is better, what "he may deem to be reciprocal, unequal, and unreasonable." That is a discrimination, and the word "discrimination" here in the old law has precisely the same meaning as these words here.

Mr. GRAY. Would it interrupt the Senator, because it is an interesting question, and the Senator is treating it interestingly, if he would hear a suggestion?

Mr. SHERMAN. I will hear the Senator.

Mr. GRAY. The difference, if there is any difference, and I think there is, between the reciprocity amendment attached to this tariff bill and the instances the Senator is citing, is this: That in the reciprocity amendment there is an absolute discretion or judgment to be exercised

by the President as to whether a fact has a certain effect or not—not whether a certain fact exists or not, but whether certain facts have the quality of unreasonableness or inequity; and the discretion goes to this extent, that in the reciprocity amendment attached to this bill there is interposed between the will of Congress and the imposition or non-imposition of duty another will, namely, the will of the President of the United States, and that makes it obnoxious to the criticism that it is a delegation of legislative power which we can not make.

Mr. SHERMAN. This old law in respect to Spanish vessels uses the words "discriminating or countervailing duties." What must the President do? Must he not look into it and examine it himself and ascertain whether the provisions of the Spanish law do discriminate against us? Is not that an act of judgment, an act which he as the President must exercise and upon which depends his power to suspend the law referred to?

Not only do I rely upon the authority that I have already given, but I find here in Cooley's Constitutional Limitations the same doctrine laid down. After quoting the well known maxim of constitutional law that the power conferred upon the Legislature to make laws can not be delegated by that department to any other body or authority, he goes on and says:

But it is not always essential that a legislative act should be a completed statute which must in any event take effect as law, at the time it leaves the hands of the legislative department. A statute may be conditional, and its taking effect may be made to depend upon some subsequent event. Affirmative legislation may in some cases be adopted, of which the parties interested are at liberty to avail themselves or not at their option. A private act of incorporation can not be forced upon the corporators; they may refuse the franchise if they so choose. In these cases the legislative act is regarded as complete when it has passed through the constitutional formalities necessary to perfected legislation, notwithstanding its actually going into operation as law may depend upon its subsequent acceptance.

Mr. President, here is a bill which takes effect as a law within a few days by which sugars will be duty free, but here in the same bill is a declaration that if the countries producing sugar will not by some reciprocal legislation render a like benefit to our own country in the opinion of the President, who is the executive officer of the country, then upon his proclaiming the fact the duty is again imposed as against these articles coming from that country.

Mr. President, this is an old, well-established principle that has been acted upon, as I said some time ago, from the beginning of the Government. Almost every tariff law, every navigation act, and every commercial law has more or less provisions of this kind limiting upon some future event certain provisions of the statute. Nor does it make any difference when the ascertainment of that fact involves a reasonable degree of judgment which is expected of the President of the United States; that makes no difference. We leave it to him to say whether on the whole the legislation of these countries is reciprocal and proper as a proper equivalent for the benefits we bestow, and in doing that we do not give him any legislative power. He approves or disapproves this proposed act. His legislative power is in the passage of this measure. When it is passed, then he exercises the executive functions provided by the act, and when he does so decide that these laws are not reciprocal in their character then this statute again utters its potent voice and the duty is again levied upon the specified articles from that country.

Nor is there any ground to fear from the argument made by the Senator from Alabama that this may in some way affect the favored-nation clause in our treaties, and that other nations differently situated and differently circumstanced may claim the benefit of this law. There is no danger of that. In the first place, no nation would claim the benefit of the imposition of a tax on its productions, and if it did not produce these articles it has no interest whatever in the subject-matter. The question could never arise. Nor would it arise even if a case should be put where a discrimination was made in favor of one against another, because the general rule applies to treaties that if for special reasons or a special consideration one nation confers an advantage upon another that stipulation does not fall within the favored-nation clause.

So in any view I take this provision is not only constitutional, but under the circumstances it is a wise one. I doubt very much whether any beneficial results will come from this legislation. If either of the nations producing sugar refuse to make reciprocal arrangements or to do what the President may think ought to be done under the circumstances and the imposition of the tax is again put upon the sugar, say, of Brazil, the tendency of that may be to advance the price of sugar in Jamaica and in Cuba and in other countries and we may thus lose some of the benefits we hope from free sugar by limiting our market for supply. Still, the opinion prevailing as it does, that no such nation will refuse, I think it is wise to make the experiment. Certainly it would not do to carry reciprocity to all productions or to all articles imported from any country. The arrangement must in its nature be limited to articles which are not produced in our country in sufficient quantity to supply our wants.

Now, Mr. President, there are one or two other observations I want to make. The two questions that gave the committee the most embarrassment from the beginning to the end of this bill were what duties, if any, should be imposed on sugars to be refined and on binders' twine. I feel bound to say that if I had had my way about it I should have

given the people the benefit of free sugar up to No. 20 Dutch standard, or refined sugar. I would not levy a tax upon the people for the benefit of any manufacturer when we are about to make the article free. A strong objection made in the House of Representatives—and I have a right to refer to it because it was made in conference, and I have a right to allude to what was done in conference—the great objection made to the provisions of the Senate amendment was that no sugar could come to the consumer unless it was compelled to go through the American refinery, and in that way an additional cent would be added to the cost to the consumer of every pound of sugar. Therefore it was that the other House adhered tenaciously to their idea that sugars No. 16 and under should be allowed to come in duty free, in the belief that some of the grades of sugar between 13 and 16 would enter into consumption without being forced through the refineries, and to that extent many of the people would have the full benefit of free sugar. It was manifest that the House conferees would not yield on this point and the Senate conferees agreed, but insisted on a higher rate of duty for sugar above No. 16 than was proposed by the House. Finally it was agreed that the rate proposed by the House of Representatives on sugars above 16 should be increased to five-tenths of a cent a pound, and so it stands. If I had had my way I should have stricken off that duty and given to the people the full benefit of all sugar duty free.

The refining of foreign sugar can be conducted here for our domestic market as cheaply as anywhere. They should depend upon the development of our cane-sugar, our sorghum-sugar, and our beet-sugar in different parts of the country. Then refineries will spring up in the neighborhood of production and refine sugars of domestic production and supply the market to our people cheaper than by any other mode.

I fear very much that the power still resting with these refiners will enable them to control a monopoly of the sugar market on the seacoast, while the great body of the sugar hereafter should be produced in the interior. I take a different view of it from my honorable friend from Nebraska [Mr. PADDOCK]. I believe the great threat now to the beet industry of the country is not this tariff, but it is the power of the sugar refiners, who in their present plants will only use imported sugar.

Mr. PADDOCK. The great danger, if the Senator will allow me, to the beet-sugar industry of this country is the formidable competition of European beet-sugar producing countries, with their enormous drawback duties and bounties.

Mr. SHERMAN. The answer to that is that so far as we could learn the net bounties given by foreign countries did not amount to half a cent. On the other hand, our beet producers will get 2 cents a pound for every pound of sugar produced. It seems to me that is enough. If not, it is a question how much ought to be given, because now that we have embarked into this business of starting a new industry I am in favor of giving enough aid to induce our people to make sugar from beets, and if the bounty is not enough it can be very easily raised. It will be an industry in which the people of every State in the Union will be more or less interested. I have no doubt, therefore, if we have done injustice or not done sufficient to encourage the beet-sugar industry we can hereafter do more. That is all I can say. But the highest bounty that anybody proposed in either House is 2 cents a pound, which is about the rate of duty now imposed upon foreign sugar.

Mr. President, in regard to binder-twine I felt a good deal as many Senators expressed themselves, that the manufacturers of this binder-twine took advantage of their opportunity and demanded grossly unreasonable prices for their article; but it must be remembered that this was a new industry sprung up within ten years, made necessary by an invention which enormously reduced labor on the farm. The material of which it is made, sisal and manila, has to be imported. The increased demand enhanced the price of these articles. Substitutes have been found in hemp, flax, and cotton, and now binder-twine is likely to be cheaper every year hereafter. Binder-twine is not made in Europe, but without protection it soon will be and replace a domestic industry. After all, manufacturers of binder-twine did very much as other human beings will do, as farmers will sometimes do—they took advantage of the enormous demand for twine, the deficient supply of raw material, to secure the highest market price. I never knew a farmer to refuse to take \$2 a bushel for wheat when he could get it. Nevertheless, I think the dealers in twine have done what was inexpedient—they have excited a feeling among the great mass of our farmers in the West of strong antagonism. When the farmers were compelled to pay 20 cents a pound for twine they felt that they were outraged and wronged. But the question with us as legislators is not whether we will punish dealers in binding-twine for charging unreasonable prices, but what policy ought to be adopted so as to secure cheaper binding-twine in the future.

Suppose we take off the duty on binder-twine and encourage its manufacture in foreign countries; it will be made entirely out of foreign material. Is it probable that this will tend to reduce the price of binder-twine to the farmer? On the contrary, my own opinion would be that a reasonable rate, such as that proposed by the House of Representatives, of one and one-fourth cents a pound, which is about one-half of the duty imposed on cordage made of the same material, would be a reasonable rate, and would encourage our people to continue the manufacture, and by competing with each other reduce

the price of binder-twine as well as to induce the use of domestic hemp and flax, instead of imported fibers. That I believe would be the effect of it. But still the Senate was so strong in favor of free twine, the feeling was so general among the representatives of Western farmers, that here it was placed on the free-list. However, the other House insisted that a reasonable duty ought to be levied, and a rate was finally agreed on of seven-tenths of a cent. It is a fair compromise, and I hope will be accepted as such.

Mr. President, the great obstacle and menace that stands in the way of the success of this tariff bill, that which more than all else will determine the length of its life, that which will test its wisdom hereafter, is the question which has been discussed heretofore in the Senate, whether the manufacturers of this country are willing to maintain free and fair competition in their various productions, so that the people may have the benefit of that which they claim as their right—free and full competition in domestic markets of domestic products. The great danger of this tariff and of all schemes for building up domestic industry by law is that the beneficiaries themselves, capitalists and laborers alike, will not be content to realize the advantages they enjoy, but will combine and confederate in order to cheat the people of that which they have the right to enjoy.

All the people, whatever may be their condition or employment, have a right to share in the benefit of all laws. They have been content with the protective policy because they have a part in the common prosperity of diversified industry and in the reduction of price which domestic competition produces. The good of this policy is distributed among the people as fully and freely as the air of heaven. The workman finds employment, the capitalist a fair return for his investment, the farmer in a home market for his productions, and the citizen and non-producer in the general prosperity. But this protective policy must not degenerate into monopoly, into trusts or combinations to raise prices against the spirit of the common law.

The uniform and universal effect of all tariff duties on articles that we can produce is to lower the prices by home competition, but if that home competition is destroyed, a tariff law, however strong, will not stand upon your statute-books two years. If, therefore, the manufacturers of this country who have reasonable rates of duty, ample for their protection, will now open up workshops and compete with each other as in the olden times, when every shoemaker was a competitor with every other shoemaker, when there was no opportunity to combine—if they resist that temptation, which aggregated capital always offers, to seek to combine to advance prices, to the injury of the consumer, they may then hope for a season of great prosperity. But if not, and the notion prevails that it is right and just for people who engage in the same pursuit to pool their issues, to appoint a trustee to manage their affairs, to deprive themselves of the powers which they enjoy as citizens and as corporations in order to make corners and by various devices to cheat the people, then the protective-tariff system will disappear as rapidly as it has sprung into existence. What the people want is American production in all departments of industry made as cheaply as is consistent with fair wages, and sold to them at fair cost in free and active and open competition. That is my parting legacy.

I do hope now that this bill when it becomes a law will be acted upon by the manufacturers in our country judiciously, that they will avoid those contracts which have been made and which have occasioned popular discontent, that they will invite fair competition, and that they will give the benefit of this competition to the people in cheaper production. If they do not, I, for one, will be as ready to repeal this law as I am now ready to vote for it.

Mr. PADDOCK. Mr. President, although the hour is late, I have a few remarks to submit on this proposition, which, with the leave of the Senate, I shall submit at this time.

With malice towards no one and with no disposition or desire whatever to complain of a result unsatisfactory to me, but constrained by a sense of duty to the State and section which I have the honor in part to represent here, I shall vote against this report. If this was a purely political question I should cheerfully accept the judgment of the majority of my political associates and cast my vote accordingly. But upon a great economic question, affecting as this does interests most vital to my immediate constituency, I shall not be governed in my action by political considerations or sentiment. I shall endeavor, rather, to make my acts conform with what appears to me to promise the best and surest conservation of such interests. If my judgment is at fault it will not be the first one that has proven its own fallibility.

I shall not attempt a statement in detail of all my objections to the report. It would avail nothing at this time to do so. I do, however, desire to refer specially but briefly to the action of the committee upon the sugar schedule and its relation to the other protected interests in this bill. I think a serious error has been made in the arrangement of that schedule. The importance of the sugar-beet industry, the development of which has been recently commenced with so much vigor and with so large an investment in our State, has been undervalued as I think by the conference committee.

The competition from abroad against which it must contend for success has been underestimated. The assistance rendered by the

Governments of European countries to enable the manufacturers of beet-sugar in those countries to overcome all competition in the markets of the world has been understated. The benefits to accrue to the people by the sweeping away of the imports on sugar, when measured in connection with the losses sustained by them through the increase of duties on many other articles essential to life, are not apparent.

Free sugar, desirable as it is, when secured at the expense of dearer clothing, etc., does not relieve the debit side of the account for the poor. Moreover, when it proves an obstacle in the way of the development of the manufacture of sugar by ourselves, and when if the duty is retained it would be a more potential influence to command reciprocal trade with other nations than if removed in the face of contemplated negotiations, the action seems ill-timed and unwise. However, the committee have given these general subjects very careful consideration and I am not disposed to criticise for the sake of criticism, although I frankly say that in respect of them my judgment is not in accord with theirs.

And as this whole matter of protective duties belongs properly to the domain of business and not politics, and would be so located if a non-partisan commission, like that proposed by the Senate amendment on that subject and eliminated by the conference committee, could be adopted, I feel myself at liberty as a business man, representing a business constituency, to express my approval or my dissent by public utterance and legislative vote in respect of them as my judgment approves or disapproves.

Mr. President, in view of the action of the conference committee on the sugar schedule, which I consider disastrous to the beet-sugar industry, I desire very briefly to ask the attention of the Senate to a few facts in connection with the history of the development, the instrumentalities employed to that end, and the enormous advance made by the beet-sugar industry abroad.

I have gleaned some of these facts largely from the very able reports of our consuls in Germany, Austria-Hungary, France, and other European countries, who have been afforded by these countries exceptional facilities for investigation. I have also obtained much information from the current history of those countries relating to this particular industry, and some valuable statistics from our own national Bureau of Statistics.

Consul Miller reports that in 1886 Germany levied taxes amounting to \$1,800,000 on sugar production. The import duty was 3½ cents per pound, which was in effect a prohibitory tariff. The excise, consumption, and other taxes, like our internal-revenue taxes, were charged to the product and formed a part of the cost to the consumer, and were in the end mainly paid by him. The heavy import duty was a sufficient protection to the manufacturer to fix the price to the consumer high enough to cover all internal taxes charged to production. So that in that year out of \$1,800,000 of taxes thus collected the manufacturers, who produced 420,000 tons of sugar, received \$10,100,000.

This appears from the fact that after the drawback bounties were paid there only remained \$7,100,000 in the Treasury to the credit of that account. But there is another element in this calculation. The whole beet-sugar tax systems of Germany, France, and Austria are based upon assessments upon the sugar-beet actually consumed in manufacture. This assessment is at the rate of 6 to 7½ per cent. on each 100 pounds of raw beets, this being accepted by the Government as the average proportion of saccharine matter in each 100 pounds of raw beets.

But the result from reduction of the beets into sugar has latterly been an average of from 9½ to 10½ pounds for each 100 pounds of beets, an excess above the assessment of from about 2½ to 3½ pounds which is free of all tax, although undoubtedly the manufacturer makes his price to the home consumer the same as if every pound of sugar sold by him bore the tax, a price which a prohibitory tariff enables him to get, so that he gains by this sleight-of-hand method, recognized by the Government in drawback taxes, somewhere from 20 to 40 per cent. of the whole tax. In France this has resulted in some years to from \$35 to \$40 per ton in the form of drawback bounty to the producer.

But this changeable, flexible tax system, with its drawback bounties, etc., is enveloped in mystery designedly by the governments of the great European beet-sugar-producing countries. This is made necessary by reason of the strife and competition between each of these countries to increase its export of sugar at the expense of the others, and also on account of the contention between all of them combined with England, occasioned by the ability of the beet-sugar countries to undersell the cane-sugar provinces of England in the markets of the world, including the English home market, which is generally believed in England to be due to secret tax remissions, bounties, etc. Undoubtedly there is sufficient elasticity in these laws to increase or decrease the drawback bounty as the conditions of the export trade may demand.

The assessment upon the beet-root before referred to can probably be raised above or reduced below 6 per cent. on each 100 pounds by administrative action, and the drawback be thus, at least, moderately increased or reduced to meet any exigency. The drawback bounty on export sugars in both Germany and France has in some years of the

recent past exceeded 3 cents per pound. In Austria it was, in 1886, over 4 cents, according to Hunning. It would seem to be very large in Austria now, because the export of beet-sugar from that country alone to the United States, which was 4,291 tons in 1888, was 27,049 tons in 1889, an increase of more than 600 per cent. in one year.

It is a further fact of much significance that Austria-Hungary, France, and Germany were able this last year to sell in this country, paying our import duty of 2 cents a pound, 256,000 tons of sugar, which displaced just so much cane-sugar, because they could undersell the producers thereof. Their shipments to this country have so far been almost, if not entirely, of raw sugars, but with all our import duties swept away below 16, and greatly reduced above that, the new beet-sugar factories just starting in this country can not live at all either in the manufacture or refining of beet-sugar against such a competition.

As to all sugars between 13 and 16 to be admitted free of duty, even with the bounty proposed by this bill there will be about three-quarters of a cent a pound less protection for these new industries than there is under the existing law. In other words, as to these sugars, our new manufacturers will have about 1½ cents protection, as against 2 or more cents drawback bounty for export in Austria, Germany, and France. This will be about three-quarters of a cent a pound of protection transferred from our manufactories, just beginning, to these wealthy foreign manufactories which have been long established and which have, beside, the cheapest labor in Europe to help them in their competition with us. When the treatment of this new and most promising Western industry is compared with that of tin-plate, steel rails structural iron, cutlery, glassware, woolen and cotton manufactures, etc., the result is not pleasant to contemplate.

Nor does it particularly incline a Senator from a State where a strong and most promising commencement has been made to develop such an industry as I have described to vote for this report.

Here, then, Mr. President, is a new industry, more important to our whole people, as I believe, than any twenty others in this country, requiring an enormous investment for every plant established; an industry inaugurated under tariff duties wisely imposed originally for revenue only, and although these duties were relatively not so high as many others intended to be protective, nothing more was asked by those inaugurating this industry. All demanded was, that if these revenue duties should be removed, corresponding protection should be given through the bounty system which has been so successfully employed in all the countries of Europe, and under which those countries have in twenty years become almost the greatest manufacturers and exporters of sugar in the world.

The Senator from Rhode Island fully realized the enormous importance of this new enterprise, and the necessity for at least maintaining the full measure of protection afforded by the existing law. Against much opposition from Senators not so well informed as he is upon the subject he arranged the sugar schedule to accomplish this result, and by an unusually strong statement to the Senate secured its adoption.

But the conference committee has sent this bill back to us with the protective feature substantially eliminated, thus relegating this great new industry to a competitive free-trade struggle for existence with the most powerful industrial organizations in all the world, entrenched behind prohibitive tariffs and made invincible by flexible bounty systems maintained by four among the greatest nations on the face of the earth.

Mr. President, if the conference committee found it necessary to reduce the sugar duties, as proposed by the pending measure, they should have relatively increased the bounty on the home manufacture. When reducing the duty on the polariscope test of 80 degrees to 1½ cents, they at least should have increased it to 2½ cents on all sugars above 99. The graduation of the bounty, if made at all, should have been upwards, from 2 cents as the minimum, and not downwards.

Why, sir, the surest permanent defeat of any sugar-refiners' trust will be accomplished when, as in Germany, our country brings the manufacture of raw beet-sugars and their refining under a single roof in a thousand prosperous factories distributing their benefits among a million farmers, producers of beets. The most certain assurance of cheap sugar will be gained when, stimulated by a proper application of the doctrine of protection, growers of the sugar-beet in a score of States will have their sugar made at their own doors ready for the table by American manufacturers, to whom they will sell the raw material. This has been accomplished by Germany, by France, and by Austria. It can be accomplished here.

Mr. President, I present a few figures showing how liberally and wisely some of these governments have treated this industry, and what an immense account they have found in it. From 1885 to 1888, with tariff duties running from 2½ to nearly 3 cents a pound, France paid in drawback taxes, etc., to the sugar factories of that country \$44,800,000. In 1852-'53 she produced 7,500 tons of beet sugar. The total value of her beet-sugar product for each of the three years of 1873, 1874, and 1875 was over \$54,000,000. This required the labor of over 60,000 persons, exclusive of those employed in the cultivation of the beet in the field. In 1889-'90 she produced 700,000 tons, worth about \$75,000,000, of which she shipped to this country 378 tons.

Austria-Hungary in 1884 alone paid 44,000,000 florins in bounties

(nearly \$25,000,000, I believe), collecting in sugar taxes only 33,500,000 florins (about \$17,000,000) in that year, making an excess of payments out of the treasury on account of bounties of about \$8,000,000 above all receipts for taxes from that source. At the same time the import duties on sugar were from 3½ to 4½ cents a pound. Austria started later than France, but as early as 1869 she had reached the point of exportation. In 1887 her product was 460,000 tons. In 1889 it was 730,000 tons. In 1889 she exported to this country 4,291 tons, and in the fiscal year 1890, 27,049 tons.

Germany followed closely in the footsteps of France in the development of this industry. The inspiration to the whole continent of Europe to try to produce locally their own sugar supply came from Napoleon. After the edicts of Vienna and Berlin, excluding English colonial sugars with all other English commodities from the markets of the Continent, the necessities of the countries affected created an imperative demand for the manufacture of sugar. Napoleon took the matter up at once. He offered enormous inducements for the discovery of improved processes for the manufacture of grape sugar, with quite considerable results. But in 1811 he became satisfied from the successful experiments, first of the illustrious chemist Achard, and afterwards from the favorable reports presented by Achard, Koppy, and Deyeux, that the manufacture of beet-sugar could be made a great success. He moved for its development with his usual vigor and determination, and two years later, 1813, three hundred and thirty-four small factories were in operation in France, producing about one-half of the supply for that country.

A small start had also been made in Germany. Then came the continental wars, and the beet-sugar manufacture languished. In 1825 almost a new start had to be made. Germany, following France, soon commenced, in a moderate way, to develop the industry through the stimulus of liberal subsidies of one kind and another. But the great advance commenced about 1860, and the growth of this industry since that time has been enormous. Germany has now become the chief sugar-producing and the largest sugar-exporting country in the world. She has an average tariff on imports of 3½ cents a pound, and an acknowledged export bounty of 1½ cents per pound, which, under the general system of rebates, together with the methods before referred to, undoubtedly results in a net average bounty of at least 2½ cents.

	Tons.	Pounds.	Value.
Germany produced—			
In 1876.....	289,400	648,216,000	\$32,410,800
In 1886.....	385,600	2,297,744,000	110,387,200
In 1890.....	1,220,000	2,732,800,000	136,440,000
She exported to the United States—			
In 1889.....	90,000	201,600,000	10,080,000
In 1890.....	228,576	512,010,240	25,600,512
The beet-sugar countries of Europe contributed to the world's supply of sugar—			
In 1887-'88.....	3,451,950	5,492,388,000	274,618,400
In 1888-'89.....	2,764,457	6,192,383,680	309,619,184
In 1889-'90.....	3,445,000	7,716,800,000	388,840,000

In the same years, in the order above given, the cane-sugar countries contributed—

	Tons.
In 1887-'88.....	2,478,060
In 1888-'89.....	2,350,163
In 1889-'90.....	2,302,000

Thus it will be seen that the total beet-sugar production of 1889-'90 exceeded that of cane-sugar by 1,083,000 tons.

We are about to join this procession with all conditions of climate and soil in our favor. Three years of thorough tests in several of the great agricultural States of the Northwest by experts who have been familiar with beet culture in European countries for many years have shown that we can produce sugar-beets possessing a larger percentage of saccharine matter than either of the countries I have named.

Our labor of course will be much more expensive. Our farmers have to grow into the habit of intensive cultivation of the soil. Our new manufactories, therefore, can not expect to be able for a time to successfully compete in our own market with these great industries of Europe. Hence they must have a greater measure of protection than this conference-reported bill will give them or the effort will fail. If the same liberal protection given to many other home manufactures by the pending measure could be secured for the beet-sugar industry the United States inside of ten years would go to the head of the column as a sugar-producing country, and thus contribute more to the wealth of our people than is now done by any twenty other industries that can be named. It would result in a diversification of agriculture which would enrich our farmers throughout the West, and indeed the whole country. It would give to our people their sugar almost as cheap as flour before many years.

The great plant built this year in Nebraska at a cost of a half a million dollars will not be broken down by this comparative failure to secure the proper protective legislation. But it will be maintained only

because our State will render the aid necessary to its maintenance. Indeed, sir, Nebraska proposes to pay a bounty about as large as that provided by this bill under the limitations of the sugar schedule. A law to this effect is already upon our statute-books. But how about the hundred or more factories that would be distributed over the great agricultural States of the Northwest in the next five years if protection equal to that under the present law could be secured for this great industry?

Moreover, why should the State of Nebraska, which pays internal-revenue taxes annually amounting to \$2,248,624.19, and which ranks in respect of these contributions to the national Treasury fourteenth in the whole list of States paying such taxes, and which at the same time pays a larger percentage of the indirect taxes resulting from tariff duties in proportion to its direct benefits therefrom than any State in the Union, with possibly two or three exceptions, be thus burdened? There is nothing in the whole range of protected industries that is at all comparable with this sugar-beet industry in the promise of material benefits and advantages to the whole country, and nothing that would yield a larger return for the most liberal protection if successful.

Mr. President, another of the very unfortunate acts of the conference committee, in my opinion, is the elimination from the amended bill, as passed by the Senate, of the provision providing for the establishment of a permanent tariff commission. As I recently stated in a speech delivered here upon the general subject of the tariff, I am sure the creation of a commission would be one of the most useful consummations in our legislation. Tariff adjustments should be made by non-partisan agencies. This whole subject should be removed from party politics and placed within the domain of a quasi-judicial tribunal. We should then learn for the first time, as I believe, what is the actual amount of protection needed by industries to counterbalance the increased labor-cost abroad.

I am convinced that we shall never ascertain these facts until this method is adopted. Until that time, Mr. President, our tariffs will necessarily be monuments to the log-rolling abilities of delegations and compromises between conflicting interests in which public interest must often yield to private demand. Without a change in methods the result must be, as it now is, entirely satisfactory to but few and unsatisfactory in the highest degree to the many.

I quote from a speech recently delivered by me here upon the general subject of the tariff a part of the observations then presented upon the subject of a permanent tariff commission:

Mr. President, I look upon these great manufacturing industries whose products are protected by high tariff duties, imposed at the expense of every taxpayer, as indirectly subsidized, and that they may properly be subjected to governmental supervision and regulation, in respect of the proper use of this enormous bounty received by them from the people on some such plan as that adopted in the cases to which I have referred.

A permanent commission of this character, whose whole time should be given to the study and observation of the practical workings of our tariff laws, could accomplish great and most useful results. It should be composed of men of acknowledged ability and probity, learned and experienced as economists and statisticians, and possessing the confidence of the country in so full a degree that their findings and recommendations would be as readily accepted by Congress and the country as the judgment of a court. They should have authority to determine as to inequalities in the application of the protective principle to different industries, but especially as to those of millionaire paupers—never so poor as when pleading with Congress to increase the tariff or to refrain from lowering it on articles in whose production they were interested.

The largest discretion possible under our system of government should be given them to make tariff adjustments under rules and regulations to be prescribed by the Secretary of the Treasury and approved by the President. They should be empowered to visit and personally investigate as to the conduct, the methods, and all the details of the business of every protected industrial institution in the United States; to send for persons and papers and administer oaths. They should have authority to arbitrate between employers and employees as to wage rates when disagreements should occur impossible of adjustment between the parties in interest.

They should be required to make frequent reports to the Secretary of the Treasury, and through him at least once in each year to Congress, giving a full and complete history of their transactions, with recommendations for such legislation, if any, as might be deemed necessary. The commission should be non-partisan, but they should be required by the law of their creation to conform all their acts to the protective principle as I have defined it. When some such plan as this shall have been adopted by Congress the tariff question will cease to disturb the business of the country and consume the time of Congress.

In conclusion, Mr. President, I repeat what I said at the outset. With no personal interest to subserve, bearing only in mind the State and the section which in part I have the honor to represent, I feel it my duty to cast my vote against an indorsement of this conference report. I should be glad to be supported in my position by my associates and friends, from whom it is always painful to differ, but I must maintain my position if I am forced to do so alone. I could have voted, Mr. President, as a Republican and as a protectionist for the bill as it was amended by the Senate, not because I felt it the best possible, but, perhaps, the best practicable under the circumstances, and one in which at least substantial concessions had been made to the needs of the West.

I could have defended it among my people as a practical demonstration of the intention of a Republican Congress to deal with the self-confessed binder-twine trust which arrogantly and defiantly braved assault from the farmers of the West while it operated to reduce the profits on every bushel of wheat raised in the trans-Missouri country. I could have pointed to free binding-twine as an earnest that Republican performance kept pace with Republican promise, and that combi-

nations to advance prices would be hereafter met with the threat of Congressional action and world-wide competition.

I could have shown other important reductions in duties made in the Senate which would have been worth hundreds of thousands of dollars annually to the settlers of the far West, but which have disappeared through the compromises of the conference committee. I could have pointed to satisfactory protection for the beet-sugar manufacture, an actual infant industry, in which every farmer of the West and indeed of the whole country is directly interested, and which in its operation would have given on our soil practical demonstration of the benefits of wise protection in cheapening production and in diversifying industry.

With the bill as passed by this body I would not have hesitated to go before Western Republicans and Democrats alike, defending my every vote before a tribunal of the people, standing as a Republican and a protectionist and advising concurrence and indorsement of the measure as a whole, however subject it might have been to criticism on individual schedules and paragraphs. But I can not honestly and consistently indorse this conference report. It yields, as I believe, in essential features the concessions which the people of my State have demanded and for which as one of their representatives I have struggled. And the only manner in which I can make my protest effective is by a remonstrance which ends only with the consummation of the vote indorsing the results attained.

I must do this regardless of the consequences to myself, and in honest compliance with what I believe to be representative duty. I have not, sir, one penny's worth of personal interest, past, present, or prospective, in any industry affected by this bill. All that I possess or hope to possess in this world is within the boundaries of Nebraska. Her prosperity and her fortunes are necessarily mine. I neither own, nor would I allow myself to own, a share of stock affected by the fluctuations of Wall street, nor am I interested, directly or indirectly, in any certificate of any kind or nature whose value the defeat or passage of any act of legislation could change.

Whatever criticism my position may evoke from party associates or political opponents, I shall at least be acquitted in the court of my own conscience from the charge of disappointment at failing to secure personal aggrandizement or from the accusation of selfish pique at individual loss.

As I would have voted as a Republican for the bill as it passed the Senate, so I shall vote now as a Republican against it. I sincerely hope the report will not be adopted and that a new conference may be ordered upon the bill.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 5206) granting a pension to Catlena Lyman.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 2990) for the relief of J. L. Cain and others; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SIMONDS, Mr. CULBERTSON of Pennsylvania, and Mr. STONE of Kentucky managers at the conference on the part of the House.

The message further announced that the House had passed the following bills:

A bill (S. 270) for the relief of the assignees of John Roach, deceased;
A bill (S. 2212) relative to the Rancho Punta de la Laguna;
A bill (S. 3269) for the relief of the administratrix of the estate of George W. Lawrence;

A bill (S. 125) for the relief of Reaney, Son & Archbold;

A bill (S. 728) in recognition of the merits and services of Chief Engineer George Wallace Melville, United States Navy, and of the other officers and men of the Jeannette Arctic expedition;

A bill (S. 968) for the relief of Amos L. Allen, survivor of the firm of Larrabee & Allen;

A bill (S. 2916) to remit the penalties on gunboat No. 2, known as the Petrel;

A bill (S. 4021) to authorize the commissioners of the District of Columbia to annul and cancel the subdivision of part of square 112, known as Cooke Park;

A bill (S. 4221) to confirm certain sales of the Kansas trust and diminished reserve lands in the State of Kansas;

A bill (S. 4354) to refer to the Court of Claims certain claims of the Shawnee and Delaware Indians and the freedmen of the Cherokee Nation, and for other purposes;

A bill (S. 4395) to authorize the construction of a bridge across the Missouri River at some accessible point in Boone County, in the State of Missouri;

A bill (S. 4396) authorizing the construction of a bridge across the Osage River at some accessible point in the county of Benton, in the State of Missouri;

A bill (S. 4403) to provide an American register for the steamer Joseph Oteri, Jr., of New Orleans, La.;

A bill (S. 4405) to authorize the construction of a bridge across the Missouri River at the most accessible point within 1 mile above or

below the town of Quindaro, in the county of Wyandotte and State of Kansas;

A bill (S. 125) to extend the time of payment to settlers on the public lands in certain cases; and

A bill (S. 1857) for the relief of Charles P. Chouteau, survivor of Chouteau, Harrison and Valle.

The message also requested the return of the bill (S. 3431) granting a pension to Martha N. Hudson.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3716) to provide for the examination of certain officers of the Army and to regulate promotions therein.

The message also announced that the House had agreed to the concurrent resolution of the Senate directing the Secretary of State, the Secretary of the Treasury, the Secretary of War, and the Secretary of the Navy to examine the report and recommendations made by the delegates of the United States in the International Marine Conference, dated February 20, 1890, and, as far as the same apply to subjects under the jurisdiction of their respective Departments and are approved by them, to prepare and submit to Congress bills for the enactment into law of said recommendations.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the Vice-President:

A bill (S. 181) for the relief of the estate of Thomas Niles, deceased;
A bill (S. 435) granting a pension to Malinda Collins;

A bill (S. 573) granting an increase of pension to Mark F. Carter;

A bill (S. 792) granting a pension to Martha J. Dodge;

A bill (S. 987) granting a pension to Mary L. Miller;

A bill (S. 1040) granting a pension to Thomas H. Wilkerson;

A bill (S. 1812) granting an increase of pension to Emily F. Warren;

A bill (S. 1971) for the relief of William Clawson;

A bill (S. 2531) granting an increase of pension to Benjamin T. Baker;

A bill (S. 2574) granting a pension to Benjamin F. Brown;

A bill (S. 2575) granting an increase of pension to Margaret Flaherty;

A bill (S. 3159) granting a pension to Albert P. Davis;

A bill (S. 3234) granting a pension to Harriet B. Hamilton;

A bill (S. 3275) granting a pension to John William Cable;

A bill (S. 3543) granting a pension to Salina B. Merrick;

A bill (S. 3649) granting an increase of pension to Katherine W. Howell;

A bill (S. 3760) granting a pension to J. Seaton Kelso;

A bill (S. 4046) granting a pension to William Norwood;

A bill (S. 4011) to authorize the Canaveral and South Florida Railroad Company to construct and maintain a bridge across the Indian River and one across the Banana River, both in the State of Florida, and to establish the same in each case as a post-road;

A bill (S. 4061) for the relief of William J. Martin;

A bill (S. 4074) to provide an American register for the bark Campanero, of Baltimore, Md.;

A bill (S. 2805) to provide for the disposal of the Old Fort Lyon and Fort Lyon and Pagosa Springs military reservations, in the State of Colorado, to actual settlers, under the provisions of the homestead laws;

A bill (S. 3798) to authorize the Mobile, Jackson and Kansas City Railroad Company to cross certain rivers in the State of Mississippi;

A bill (S. 3801) authorizing the use of the Louisville and Portland Canal basin on certain conditions;

A bill (S. 3830) to prohibit book-making of any kind and pool-selling in the District of Columbia for the purpose of gaming;

A bill (S. 4297) to authorize the Seneca Nation of New York Indians to lease lands within the Cattaraugus and Allegany reservations, and to confirm existing leases;

A bill (S. 4322) to authorize the construction of a bridge across the Kentucky River and its tributaries by the Louisville, Covington and Cincinnati Railway Company, the Carrollton and Louisville Railroad Company, and the Westport, Carrollton and Covington Railway Company, and their assigns;

A bill (S. 4334) to authorize the building of a bridge at Dardanelle, Ark., across the Arkansas River;

A bill (S. 473) for the relief of the Portland Company, of Portland, Me.;

A bill (S. 497) to provide for the sale of certain New York Indian lands in Kansas;

A bill (S. 1187) for the relief of the Washington Iron Works;

A bill (S. 1195) for the relief of Snowden & Mason;

A bill (S. 1840) granting a pension to Sallie Douglass Hartranft;

A bill (S. 3852) to authorize the Eagle Pass Water Supply Company and the Compañía Proveedora de Aguas de Ciudad Porfirio Diaz to connect their water-works communications across the Rio Grande River at Eagle Pass, Tex.;

A bill (S. 3895) to amend an act entitled "An act to establish a railway bridge across the Illinois River, extending from a point within 5 miles of Columbiana, in Greene County, to a point within 5 miles of

Farrowtown, in Calhoun County, in the State of Illinois," approved March 3, 1883;

A bill (S. 3996) to repeal sections 3952 and 3953 of Revised Statutes of the United States;

Joint resolution (S. R. 95) to surrender certain bonds, drafts, and other papers in the Department of State to Robert S. Hargous, administrator of Louis S. Hargous, deceased; and

Joint resolution (S. R. 123) to enable the commission having charge of the preparation and erection of the statue, with suitable emblematic devices thereon, on one of the public reservations in the city of Washington, to the memory of General Lafayette and his compatriots, to execute the purpose expressed in the concurrent resolution adopted by the two Houses of Congress on the 28th day of August, 1890.

BILLS INTRODUCED.

Mr. GIBSON introduced a bill (S. 4446) to repair and build the levees on the Mississippi River, to improve its navigation, to afford ease and safety to its commerce, and to prevent destructive floods; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 4447) to authorize the New Orleans Terminal Railway and Bridge Company to construct, operate, and maintain a bridge, and all the necessary approaches thereto, over the Mississippi River above the city of New Orleans, State of Louisiana, on the left bank of the Mississippi River to the opposite bank in said State; which was read twice by its title, and referred to the Committee on Commerce.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had, on the 27th instant, approved and signed the following acts:

An act (S. 3851) to authorize the Texas-Mexican Electric Light and Power Company to erect wires across the Rio Grande River at Eagle Pass, Tex.;

An act (S. 1696) for the relief of Asher W. Foster;

An act (S. 3191) for the relief of Albert Shell;

An act (S. 2597) to remove the charge of desertion from the military record of William S. Bennett;

An act (S. 2750) to remove the charge of desertion against Almon R. Tobey;

An act (S. 1454) correcting the military history of David A. Parkhurst;

An act (S. 2086) to correct the military record of John Hinsmann, late of Company G, Eleventh Regiment, Kentucky Cavalry;

An act (S. 3560) granting an honorable discharge to Almon Wetmore;

An act (S. 4233) granting a pension to Jessie Benton Fremont;

An act (S. 3711) granting a pension to Ellen M. McClellan;

An act (S. 3257) granting a pension to Mary Crook, widow of George Crook, late a major-general in the United States Army;

An act (S. 5) for the relief of Bessie S. Gilmore;

An act (S. 4375) to provide an American register for the steamship G. W. Jones, of New York; and

An act (S. 4) authorizing the establishing of a public park in the District of Columbia.

The message also announced that the President had this day approved and signed the following acts:

An act (S. 2781) to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes;

An act (S. 1037) authorizing the placing of the name of James M. Williams upon the retired-list of the United States Army, with the rank of captain of cavalry; and

An act (S. 1636) for the relief of certain officers on the retired-list of the Army.

INTERNATIONAL AMERICAN CONFERENCE.

Mr. FRYE submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed 10,000 extra copies of the reports of committees and discussions thereon, of the International American Conference; 2,000 of which shall be for the use of the Senate, 4,000 for the use of the House, and 4,000 for distribution by the State Department.

WITHDRAWAL OF PAPERS.

On motion of Mr. FRYE, it was

Ordered, That Amos L. Allen have leave to withdraw the papers on file in the claim of Larrabee & Allen, or Amos L. Allen, surviving partner of Larrabee & Allen, a favorable report having been made in the case, and the bill reported having passed both Houses.

REPORT OF GOVERNMENT DIRECTORS OF PACIFIC RAILROADS.

Mr. FRYE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate, That the Secretary of the Interior be directed to transmit to the Senate the last report of the Government directors of the Pacific Railroads.

FINAL ADJOURNMENT.

The VICE-PRESIDENT. The Chair lays before the Senate a con-

current resolution from the House of Representatives, which will be read.

The Chief Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the President of the Senate and the Speaker of the House of Representatives declare their respective Houses adjourned without day on Tuesday, the 30th day of September, at 2 o'clock p. m.

Mr. ALDRICH. I move the reference of the resolution to the Committee on Finance.

The motion was agreed to.

PROMOTIONS IN THE ARMY.

Mr. HOAR. I ask unanimous consent to have considered at this time the resolution which was reported by me from the Committee on Privileges and Elections.

Mr. COCKRELL. I rise to a privileged question, which I think ought to be settled in advance of that, and that is the conference report on Senate bill 3716, which will only take a few minutes. It is important that the report should be considered now in order that the bill may be got to the President. The other House has agreed to the conference report.

The VICE-PRESIDENT. The Chair will lay before the Senate the report of the committee of conference, which will be read.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3716) to provide for the examination of certain officers of the Army and to regulate promotions therein, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows: Strike out from the text of the bill all after the words "And provided further," in line 22 of page 3, and in lieu thereof insert:

"That the examination of officers appointed in the Army from civil life, or of officers who were officers of volunteers only, or were officers of the militia of the several States called into the service of the United States, or were enlisted men in the regular or volunteer service, either in the Army, Navy, or Marine Corps during the war of the rebellion, shall be conducted by boards composed entirely of officers who were appointed from civil life or of officers who were officers of volunteers only during said war; and such examination shall relate to fitness for practical service and not to technical and scientific knowledge; and in case of failure of any such officer on the re-examination hereinafter provided for, he shall be placed upon the retired-list of the Army, and no act now in force shall be so construed as to limit or restrict the retirement of officers as herein provided for."

That the House agree to the bill as amended.

JOS. R. HAWLEY,
CHARLES F. MANDERSON,
F. M. COCKRELL,

Managers on the part of the Senate.

B. M. CUTCHEON,
E. S. OSBORNE,
JOS. WHEELER,

Managers on the part of the House.

The VICE-PRESIDENT. The question is on concurring in the report of the conference committee.

The report was concurred in.

COMPENSATION OF SENATORS FROM THE NEW STATES.

Mr. HOAR. I now ask that the resolution I referred to awhile ago may be taken up.

The VICE-PRESIDENT. The resolution will be read.

The Chief Clerk read as follows:

Resolved, That in the judgment of the Senate the Senators from the newly admitted States of North Dakota, South Dakota, Montana, and Washington are entitled to receive their compensation as Senators from the date of the admission of their States.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. COCKRELL. If that resolution is to be considered at this time, I should like to hear some explanation, before it is taken up, as to the ground on which such action is based.

Mr. HOAR. The committee has submitted a report in connection with the resolution, but I can state the substance of it. The Senate, of course, remembers the phraseology of the statute, which is simply that Senators shall be compensated at a certain rate per year. The precedents have been examined by the committee, or rather they have been collected in the Secretary's office, and the large preponderance of the precedents is in favor of paying Senators from the time of the admission of their States, and that will take them back in this case to the 10th of October last. Of course the alternative would be to pay them from the time they were sworn in or from the beginning of the Congress, without regard to their States being then in existence.

There have been one or two instances in which they were paid from the beginning of the Congress. One was in the case of California, and the other in the case of one of the Northwestern States, but in both of those cases there was a strife over the admission of the States; the Senators had been elected long before the admission of the State, and were in attendance urging the admission of the State as well as their own admission. With those exceptions, all of the precedents for forty years give the Senator compensation from the time his State is admitted.

Mr. COCKRELL. Let me put a question right there to the Senator, if it will not disturb him.

Mr. HOAR. All these Senators were chosen within a day or two of the admission of the States.

Mr. COCKRELL. The point I wanted to ask about was whether in any of these cases pay was allowed prior to the actual election of the Senator.

Mr. HOAR. Yes, always. It is supposed that they have to do a great deal of work, which accumulates in the case of a new State, and they have quite as much to do as other Senators. The Senators from New Hampshire are chosen in every instance two or three months after the beginning of the Senatorial term and the pay of the Senator dates back, unless there has been a predecessor appointed by the governor. It has been the universal rule that a Senator's pay dates back to the beginning of the term for which he serves, although he was elected later. That is the precedent in both Houses.

In the case of the Senators from Colorado, and I think one or two others, they were only paid from the time they were actually sworn in.

There is a precedent cited in a report of the Judiciary Committee by Mr. Trumbull in the case of Minnesota, I think, although I do not remember which State it is now, a careful report, where that doctrine was adopted. I think there is no doubt about the correctness of the principle laid down.

Mr. BLAIR. I wish to say that the citation of the case of New Hampshire is inaccurate, because there was always a Senator appointed to fill the interim.

Mr. HOAR. That is true.

Mr. BLAIR. But this may be true, and I presume is true, and it would corroborate the Senator's position, that from the beginning of the Government down to a very recent period our Representatives were never chosen until a few days after the actual commencement of Congress. I think in those instances it was the uniform practice to pay them from the commencement of the Congress—Representatives, I mean, not Senators.

Mr. HOAR. I was about to refer to the New Hampshire and Mississippi Representatives.

Mr. BLAIR. Of course this is governed by the same principle.

The VICE-PRESIDENT. The question is on agreeing to the resolution reported by the Senator from Massachusetts [Mr. HOAR].

The resolution was agreed to.

Mr. HOAR. The report is not very long, and I ask that it may be printed in the RECORD, if there be no objection.

Mr. COCKRELL. Let it be printed also as a separate document.

Mr. HOAR. It will be printed as a separate document.

The VICE-PRESIDENT. The report will be printed as a separate document and also in the RECORD, if there be no objection. The Chair hears none.

The report is as follows:

The Committee on Privileges and Elections, to whom was referred the following resolution of the Senate, have considered the same and respectfully report:

"IN THE SENATE OF THE UNITED STATES, June 23, 1890,

"Resolved, That the Committee on Privileges and Elections be, and they are hereby, directed to inquire as to the date on which, under the law and precedent of the case, the salaries of the Senators from the States of Montana, Washington, and North and South Dakota, respectively, began, and report their conclusions to the Senate."

The question arises under the following sections of the Revised Statutes of the United States.

"SEC. 53. Each Senator, Representative, and Delegate is entitled to a salary (except as to the Speaker) of \$7,500 a year."

(Act of January 20, 1874, reduced the pay of Senators, etc., to \$5,000 each.)

"SEC. 49. When any person who has been elected a Member of or Delegate in Congress dies after the commencement of the Congress to which he has been elected, his salary shall be computed and paid to his widow, or if no widow survives him, to his heirs at law, for the period that has elapsed from the commencement of such Congress, or from the last payment received by him to the time of his death, at the rate of \$7,500 a year, with any traveling expenses remaining due for actually going to or returning from any session of Congress."

(See also act of January 20, 1874, reducing pay to \$5,000.)

The Secretary of the Senate has collected the precedents bearing on the subject for the past forty years, which will be found in Appendix A.

It appears from these precedents that the first Senators from California received their per diem from February 13, 1850, although their State was not admitted until September 9, 1850, and they did not take their seats until September 20, 1850.

The first Senators from Minnesota, which was admitted to the Union May 11, 1858, received their pay from the beginning of the session in the previous December, although they did not take their seats until May 12, 1858.

The first Senators from Oregon and Nevada received their pay from the time they took their oaths of office, although their States had been previously admitted to the Union and they had been previously elected and a considerable portion of the session had elapsed.

The first Senators from Kansas and West Virginia, which States were admitted before the beginning of the session at which the Senators took their seats, were paid from the beginning of that session, although they were not elected or admitted to their seats until afterward.

The first Senators from Nebraska were qualified March 4, 1867, at the beginning of the Congress, and were paid from that day.

The first Senators from Colorado, which was admitted to the Union August 1, 1876, were elected November 14, 1876, took their seats December 4, 1876, and were paid from that day.

In the case of the Senators from Minnesota, Mr. Bayard, from the Committee on the Judiciary, to whom the matter was referred, reported as the opinion of that committee that the Senators were entitled to compensation only from the date of the admission of their State. But the Senate twice passed a joint resolution directing them to be paid from the beginning of the session. This resolution did not pass the House; the Senate, therefore, at a subsequent session, ordered such payment to be made from its contingent fund.

A question similar in principle has arisen in regard to Senators from States whose representation in Congress was interrupted during the rebellion and

which after the rebellion were not readmitted till the passage of an act of Congress declaring them entitled to representation. This question was referred to the Committee on the Judiciary in the case of the Senators from Virginia, who reported as follows:

"The Committee on the Judiciary, to whom was referred the letter of the Secretary as to the date when the compensation of Hon. J. W. Johnson and Hon. J. F. Lewis, Senators from the State of Virginia, should commence, beg leave to report:

"That they regard the principle of the question submitted by the Secretary as settled by the Senate on the 25th of July, 1868, by the adoption of a resolution directing the Secretary to pay the Senators from the State of Arkansas from the 22d day of June, 1868, and the Senators from Florida, North Carolina, South Carolina, and Louisiana from the 25th of June, 1868, being the dates when said States were by law respectively declared entitled to representation in Congress. They therefore recommend for adoption the following resolution:

"Resolved, That the Secretary be directed to pay the Senators from the State of Virginia the compensation allowed by law from the 26th day of January, 1870, the date of the act declaring said State entitled to representation in the Congress of the United States."

In pursuance of this recommendation, the Senate passed the resolution proposed by the committee. The following named Senators, also, were paid from the date of the admission of their States, respectively:

Senators McDonald and B. F. Rice, of Arkansas.
Senators Osborn and Welch, of Florida.
Senators Pool and Abbott, of North Carolina.
Senators Robertson and Sawyer, of South Carolina.
Senators Kellogg and Harris, of Louisiana.
Senators Lewis and Johnson, of Virginia.

It thus appears that the great weight of the precedents is in favor of the payment of Senators from the date of the admission of their States. The exceptions in the two cases of California and Minnesota were doubtless occasioned by the fact that those States were organized and had appointed Senators before they were admitted, and that the gentlemen elected had been in attendance, urging the admission of their States, which was delayed by Congress.

We therefore recommend the passage of the following resolution:

"Resolved, That the Senators from the States of North Dakota, South Dakota, Montana, and Washington are entitled to their compensation from the time when those States, respectively, were admitted into the Union."

APPENDIX A.

California admitted into the Union September 9, 1850. Two Senators were elected December 20, 1849, and were qualified September 10, 1850. They received their pay from February 13, 1850.

The statute of January 23, 1818, was then in force, which provided for a per diem compensation of \$8 a day each day "he has attended or shall attend," and "that the said compensation which shall be due to the members of the Senate shall be certified by the President thereof." This last provision was interpreted by the act of September 30, 1850, to make the certificate of the presiding officer final and conclusive.

Oregon was admitted into the Union February 14, 1859. Two Senators were elected, one January 13, 1859, the other July 1, 1858; both qualified February 14, 1859, and received their pay from the same day.

Kansas was admitted January 29, 1861. Two Senators were elected April 4, 1861, qualified July 4, 1861, and paid from March 4, 1861.

West Virginia was admitted December 31, 1862. Two Senators were elected August 4, 1863, qualified December 7, 1863, and paid from March 4, 1863.

Nevada was admitted October 31, 1864. Two Senators were elected, one December 15 and one December 16, 1864; both were qualified February 1, 1865, and paid from same day.

Minnesota admitted May 11, 1858. Two Senators elected December 19, 1857; qualified May 12, 1858. Paid from the commencement of the session at which the State was admitted.

(Judiciary Committee reported that they should be paid from date of admission.)

During this period, 1850-1865, the statute of August 16, 1856, was in force: That the compensation of each Senator, etc., shall be \$6,000 for each Congress, and mileage as now provided, etc., to be paid in manner following, to wit: On the first day of each session each Senator, etc., shall receive his mileage for one session, and on the first day of each month thereafter during such session compensation at the rate of \$3,000 per annum during the continuance of such session, and at the end of such session he shall receive the residue of his salary due to him at such time at the rate aforesaid still unpaid.

In case of death of any Senator before the first session of Congress, he shall receive neither compensation nor mileage. In the event of death after the commencement of the first session, a Senator's representatives shall be entitled to receive so much of his compensation, computed at the rate of \$3,000 per annum, as he may not have received.

Nebraska admitted March 1, 1867. Two Senators were elected July 11, 1866, qualified March 4, 1867, and paid from the same day.

The act of July 28, 1866, was then in force: "The compensation of each Senator, etc., shall be \$3,000 per annum, to be computed from the first day of the present Congress."

Colorado admitted August 1, 1876. Two Senators were elected November 14, 1876, qualified December 4, 1876, and took their seats and received their pay from December 4, 1876.

The law of January 20, 1874, was then in force, which repealed the act of 1873, providing for the increase of salaries of Senators, "and the salaries, compensation, and allowances of all said persons, except as aforesaid, shall be fixed by the laws in force at the time of the passage of said act."

MARTHA N. HUDSON.

Mr. DAVIS. I ask the Chair to lay before the Senate the request of the House of Representatives for the return of a Senate bill.

The VICE-PRESIDENT laid before the Senate the request of the House of Representatives to return to the House the bill (S. 3431) granting a pension to Martha N. Hudson.

Mr. DAVIS. I move that the bill be returned to the House of Representatives as requested.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had non-concurred in the amendments of the Senate to the bill (H. R. 8019) to provide for the disposal of the abandoned Fort Ellis military reservation in Montana under the homestead law, and for other purposes, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. KINSEY, Mr. LANHAM, and Mr. CARTER managers at the conference on the part of the House.

The message also announced that the House had non-concurred in the amendments of the Senate to the bill (H. R. 10639) to amend section 2, act of May 30, 1862, asked for a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. PAYSON, Mr. TURNER of Kansas, and Mr. HOLMAN managers at the conference on the part of the House.

The message further announced that the House had passed a bill (H. R. 10475) to prevent desecration of the United States flag; in which it requested the concurrence of the Senate.

HOUSE SERGEANT-AT-ARMS.

Mr. ALLISON. A day or two since the bill (H. R. 11928) defining certain duties of the Sergeant-at-Arms of the House of Representatives, and for other purposes, was referred to the Committee on Appropriations. It relates wholly to the Sergeant-at-Arms of the House of Representatives, and I am informed by members of the House that it is important to the convenience of that body that the bill should be passed now. So I report it back from the Committee on Appropriations without amendment, and I ask that it may be considered at this time. It will take but a moment.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment.

Mr. MORGAN. I desire to hear the first section read again.

The VICE-PRESIDENT. The first section will be again read.

The Chief Clerk read section 1, as follows:

That it shall be the duty of the Sergeant-at-Arms of the House of Representatives to attend the House during its sittings, to maintain order under the direction of the Speaker; and, pending the election of a Speaker or Speaker pro tempore, under the direction of the Clerk, execute the commands of the House and all processes issued by authority thereof, directed to him by the Speaker, keep the accounts for the pay and mileage of Members and Delegates, and pay them as provided by law.

Mr. ALLISON. I will say to the Senator from Alabama that the first and second sections are a mere repetition of the present rules of the House, and the allusion to the Secretary of the Senate is the existing law as respects the Senate, so that there is no change in that regard.

Mr. MORGAN. Does this bill change the mileage pay of Senators from December to June or July?

Mr. ALLISON. There is no change whatever in any sense, except the fiscal year begins with Senators and Members now on the 3d of July, instead of the 1st, and that is the rule of the Senate at present.

The bill was ordered to a third reading, read the third time, and passed.

CONSIDERATION OF PENSION BILLS.

Mr. SAWYER. I move that the Senate proceed to the consideration of private pension bills on the Calendar which are not objected to.

Mr. A. DRICHEL. I suggest to the Senator that he ask unanimous consent that the conference report on the tariff bill may be laid aside informally for that purpose.

Mr. SAWYER. Very well. I ask unanimous consent that the conference report may be laid aside informally, in order that the Senate may proceed to the consideration of private pension bills on the Calendar.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Wisconsin that the conference report on the tariff bill be laid aside informally for the consideration of private pension bills? The Chair hears none.

JULIA W. FREEMAN.

The bill (H. R. 2420) granting a pension to Julia W. Freeman was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Julia W. Freeman, a resident of Marshall, Mich., at \$12 per month, on account of disability resulting from disease contracted while serving as a hospital nurse during the war of the rebellion.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. MARY J. SANDERS.

The bill (H. R. 6148) granting a pension to Mrs. Mary J. Sanders, the widow of Thomas A. Sanders, who was a scout in the service of the United States Army in the war of the rebellion, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Mary J. Sanders, the widow of Thomas A. Sanders, who was a scout in the service of the United States Army during the war of the rebellion.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DANIEL P. ROBERTS.

The bill (H. R. 10898) to increase the pension of Daniel P. Roberts, late a second lieutenant in Company F of the Third Regiment of Missouri Volunteers in the war with Mexico, was considered as in Committee of the Whole. It proposes to increase the pension of Daniel P. Roberts, late a second lieutenant in Company F of the Third Regiment of Missouri Volunteers in the war with Mexico, to \$30 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWIN REEDER.

The bill (H. R. 11171) granting an increase of pension to Edwin Reeder, late a member of Company A, First Tennessee Infantry, in the war with Mexico, was considered as in Committee of the Whole. It proposes to increase the pension of Edwin Reeder, late a member of Company A of the First Tennessee Infantry in the war with Mexico, to \$20 per month, in lieu of the pension of \$8 per month which he is now drawing.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHANNA WILLOTH.

The bill (S. 3586) for the relief of Johanna Willoth was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, after the word "Company," to strike out the letter "K" and insert "G;" and in line 8, at the end of the bill to add, "at the rate of \$17 per month;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension law, the name of Johanna Willoth, widow of Emil Willoth, late first lieutenant Company G, Fifty-fourth Regiment New York Infantry, at the rate of \$17 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN K. HUMMER.

The bill (S. 3438) for the relief of John K. Hummer was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "dollars," to strike out "twenty-four" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of John K. Hummer, late a private in Company G, Ninth Indiana Volunteer Infantry, and that he be granted a pension of \$12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN SPEECH.

The bill (S. 1677) granting a pension to John Speech, private Company B, One hundred and twenty-first United States Colored Infantry, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, at the end of the bill to add the words "at the rate of \$12 per month;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of John Speech, late private of Company B, One hundred and twenty-first United States Colored Infantry, subject to the provisions and limitations of the pension laws, at the rate of \$12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MRS. SARAH A. ASPOLD.

The bill (S. 2761) granting a pension to Mrs. Sarah A. Asbold was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, after the word "month," to strike out "from the date of the death of her deceased husband, the said Edward Asbold;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to cause the name of Mrs. Sarah A. Asbold, of Annapolis, Md., widow of Edward Asbold, late a first assistant engineer in the United States revenue marine service, deceased, to be placed upon the pension-rolls, subject to the provisions and limitations of the pension laws, and pay her a pension of \$25 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ADALINE L. MILLER.

The bill (S. 3258) granting a pension to Adaline L. Miller was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 5, before the word "dollars," to strike out "twenty-five" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, au-

thorized and directed to place on the pension-roll, at the rate of \$12 per month, the name of Adaline L. Miller, late a nurse in the United States hospitals during the war of the rebellion.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS RICHARDSON.

The bill (S. 4416) granting a pension to Thomas Richardson was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Thomas Richardson, late a private in Company B, Seventeenth Regiment Illinois Volunteers, at \$12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MIRA BALDWIN.

The bill (H. R. 8700) granting a pension to Mira Baldwin was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mira Baldwin, widow of Pollard Baldwin, who enlisted in Captain Bradley's company, Third United States Infantry, on the 6th of March, 1820, and to pay her a pension of \$20 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMOS GILBERT.

The bill (S. 2808) for the relief of Amos Gilbert was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 10, to fill the blank after the words "at the rate of" by inserting "twenty-five;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place upon the pension-rolls the name of Amos Gilbert, of New Haven, Conn., who served as an enlisted seaman in the Navy of the United States, and was discharged on the 13th day of July, 1842, and who, while in the service, contracted disabilities from which he has never recovered, and to pay him a pension at the rate of \$25 a month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MRS. ESTHER J. BOONE.

The bill (S. 2047) granting a pension to Mrs. Esther J. Boone was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Esther J. Boone, of Lincoln, Nebr., who served as a hospital nurse and sanitary agent from 1862 to the close of the war of the rebellion, and to pay her a pension of \$12 a month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ISAAC N. JACOBS.

The bill (H. R. 10985) granting a pension to Isaac N. Jacobs was considered as in Committee of the Whole. It proposes to place upon the pension-roll the name of Isaac N. Jacobs, father of John W. Jacobs, of Company D, Thirtieth Iowa Infantry Volunteers, at \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

E. T. HANLON.

The bill (H. R. 9436) granting an increase of pension to E. T. Hanlon was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of E. T. Hanlon, late of Company E, Fifty-second Regiment Ohio Volunteer Infantry, at \$50 a month, in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH E. PALMER.

The bill (H. R. 1117) granting a pension to Sarah E. Palmer was considered as in Committee of the Whole. It proposes to place the name of Sarah E. Palmer, an army nurse, of Dover, Me., upon the pension-roll and to pay her a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THEODORE L. ALEXANDER.

The bill (H. R. 9225) granting a pension to Theodore L. Alexander was considered as in Committee of the Whole. It proposes to place upon the pension-roll the name of Theodore L. Alexander, late a teamster in the quartermaster's service in the war with Mexico, in consideration of his taking arms and actually participating in the battles resulting from the defense of Fort Puebla against the assaults of the Mexican forces, in obedience to the orders of his commanding officer.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LOVEY ALDRICH.

The bill (H. R. 9736) granting an increase of pension to Lovey Aldrich was considered as in Committee of the Whole. It proposes to in-

crease the pension of Lovey Aldrich, widow of Taylor Clark, who served as a soldier in the Light Infantry of New Hampshire in the war of 1812, and also widow of Caleb Aldrich, of the Rhode Island Line, war of 1776, to the sum of \$30 per month, in lieu of the pension now drawn by her.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EMILY ONDERDONK.

The bill (H. R. 2428) granting a pension to Emily Onderdonk was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Emily Onderdonk, a resident of Battle Creek, Mich., at \$12 per month, on account of disability resulting from disease contracted while serving as a hospital nurse during the war of the rebellion.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HANNAH E. WINNEY.

The bill (H. R. 7149) granting a pension to Hannah E. Winney was considered as in Committee of the Whole. It proposes to place upon the invalid pension-roll, at \$9 a month, the name of Hannah E. Winney, widow of James P. Winney, of the United States Marine Corps, war with Mexico.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN FROHLIN.

The bill (H. R. 8519) granting a pension to John Frohlin was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John Frohlin, late a private in Company I, First Regiment Ohio Light Artillery, at \$30 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC PARK AT CHATTANOOGA, TENN.

Mr. BATE. As we have now reached Order of Business 2109, I should like very much to have the consent of the Senate to have that disposed of. There will not be a particle of discussion in relation to it. It is agreed to by the Secretary of War and every one concerned. There is no objection to it from any quarter.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Tennessee?

Mr. SAWYER. What is the request of the Senator?

The VICE-PRESIDENT. For the consideration of a joint resolution the title of which will be stated.

The CHIEF CLERK. A joint resolution (H. Res. 169) authorizing the use of a portion of the United States military reservation at Chattanooga for a public park by the city of Chattanooga, Tenn.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. HAWLEY. I supposed that we were engaged wholly upon pension bills. How did this joint resolution come before the Senate?

Mr. BATE. By unanimous consent.

The VICE-PRESIDENT. Unanimous consent was given for its consideration.

Mr. BATE. The joint resolution was reported favorably from the Senator's committee.

Mr. HAWLEY. All right.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALEXANDER F. DUTTON.

The bill (H. R. 3169) for the relief of Alexander F. Dutton was considered as in Committee of the Whole. It proposes to place the name of Alexander F. Dutton, late a volunteer in the naval service of the United States, upon the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY A. BLAISDELL.

The bill (H. R. 10398) for the relief of Mary A. Blaisdell was considered as in Committee of the Whole. It proposes to place on the pension-roll at \$50 per month the name of Mary A. Blaisdell, widow of the late General William Blaisdell.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LOUIS P. NOROS.

The bill (H. R. 9245) granting a pension to Louis P. Noros, late of the Jeannette expedition to the Arctic Ocean, was considered as in Committee of the Whole. It proposes to place upon the pension-rolls the name of Louis P. Noros, late of the United States ship Jeannette, in the expedition to the Arctic Ocean.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NOAH BISBEE.

The bill (H. R. 11726) to increase the pension of Noah Bisbee, formerly private Company K, Eighty-ninth Regiment New York Volunteers, was considered as in Committee of the Whole. It proposes to place upon the pension-rolls of the United States the name of Noah Bisbee, formerly a private in Company K, Eighty-ninth Regiment New York Volunteers, at \$45 per month, in lieu of the pension of \$30 per month which he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THELBERT H. HEAD.

The bill (H. R. 8084) granting a pension to Thelbert H. Head was considered as in Committee of the Whole. It proposes to place Thelbert H. Head, late of Company K, Second Iowa Cavalry, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANCIS GILMAN.

The bill (H. R. 4258) increasing the pension of Francis Gilman was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 5, after the word "month," to strike out "such increase to take effect from the 1st day of January, 1889;" so as to make the bill read:

Be it enacted, etc., That the pension of Francis Gilman, late a private in the Second Battery Iowa Light Artillery, be, and the same hereby is, increased to \$90 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MARY Y. DEWEES.

The bill (H. R. 11457) to increase the pension of Mary Y. Dewees was considered as in Committee of the Whole. It proposes to pay Mary Y. Dewees, widow of Thomas B. Dewees, late major Ninth United States Cavalry, the sum of \$40 per month, in lieu of the amount she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARTHA A. BOWLING.

The bill (H. R. 6052) granting a pension to Martha A. Bowling was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Martha A. Bowling, widow of the late Col. William Bowling, at \$20 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

N. W. LEASURE.

The bill (H. R. 9026) granting a pension to N. W. Leasure was considered as in Committee of the Whole. It proposes to place upon the pension-rolls the name of N. W. Leasure, widow of Daniel Leasure, late colonel of the One hundredth (Roundhead) Pennsylvania Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. MARIA B. JUDAH.

The bill (H. R. 5835) to increase the pension of Mrs. Maria B. Judah was considered as in Committee of the Whole. It proposes to increase the pension of Mrs. Maria B. Judah, widow of Maj. Henry M. Judah, United States Army, to \$25 per month, in lieu of the pension now paid her.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EMILY FRY.

The bill (H. R. 11650) granting a pension to Emily Fry was considered as in Committee of the Whole. It proposes to place upon the pension-roll the name of Emily Fry, widow of Nathaniel Fry, late a soldier in the war of 1812.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EBEN MUSE.

The bill (H. R. 6338) granting a pension to Eben Muse was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Eben Muse, late a private in Company E, Ninth Regiment of Pennsylvania Reserves of United States Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ABRAHAM ZIMMERMAN.

The bill (H. R. 3790) granting a pension to Abraham Zimmerman was considered as in Committee of the Whole. It proposes to place upon the pension-roll the name of Abraham Zimmerman.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. SUSAN A. DEAN.

The bill (H. R. 7375) granting a pension to Mrs. Susan A. Dean was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Susan A. Dean, widow of Mahlon C. Dean, late first lieutenant Company K, Twenty-Eighth Iowa Volunteer Infantry, at \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ARTHUR CONNERY.

The bill (H. R. 4825) granting a pension to Arthur Connery was considered as in Committee of the Whole. It proposes to place upon the invalid pension-rolls of the United States the name of Arthur Connery, of Company E, Fifty-fifth Regiment Pennsylvania Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN C. MORRISON.

The bill (H. R. 2002) granting a pension to John C. Morrison was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John C. Morrison, of Albia, Iowa, late assistant surgeon of the Thirtieth Iowa Infantry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NANCY J. DORLOS.

The bill (H. R. 4179) granting a pension to Nancy J. Dorlos was considered as in Committee of the Whole. It proposes to place upon the invalid pension-roll, at \$12 a month, the name of Nancy J. Dorlos, widow of George P. Dorlos, late of Company C, One hundred and seventh Ohio Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ADELINE BLY.

The bill (H. R. 6916) for the relief of Adeline Bly, widow of a soldier of the war of 1812, was considered as in Committee of the Whole. It proposes to place the name of Adeline Bly, widow of James C. Bly, upon the pension-rolls at \$20 a month, and that she be relieved from the further reimbursement to the Government of any moneys illegally received as a pensioner.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH M. WILSON.

The bill (H. R. 9505) granting an increase of pension to Joseph M. Wilson was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Joseph M. Wilson, late a private in Company B, Two hundred and eleventh Regiment Pennsylvania Volunteers, at \$36 a month, in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL S. HUMPHREYS.

The bill (H. R. 10310) granting a pension to Samuel S. Humphreys was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Samuel S. Humphreys, of Mitchell County, Georgia, late a private in Capt. Abner Williams's company, Georgia Volunteers, in the Indian war of 1835 and 1836, at \$3 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ASA JOINER.

The bill (H. R. 10811) granting a pension to Asa Joiner was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Asa Joiner, of Mitchell County, Georgia, late a private in Captain Ball's company, Georgia Volunteers, also late a private in Captain Horn's company, Georgia Volunteers, in the Indian war of 1836, at \$3 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANN ROBERTS.

Mr. SAWYER. I move that the Senate proceed to the consideration of executive business.

Mr. BLAIR. There is a bill reported to-day from the Committee on Pensions which I should like to have action upon. I ask the Senator to allow that bill to be considered.

Mr. SAWYER. Very well, I withdraw my motion for that purpose.

The bill (H. R. 4788) to grant a pension to Ann Roberts was considered as in Committee of the Whole. It proposes to place upon the pension-roll the name of Ann Roberts, formerly Ann Barnett, widow of James W. Barnett, who was a captain in Company G in the Thirtieth Regiment of Illinois Infantry Volunteers, and to pay her a pension of \$20 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WITHDRAWAL OF PAPERS.

Mr. EVARTS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the assignees of John Rouch be permitted to withdraw the papers on the files of the Senate in the matter of the gunboat Peoria; a favorable report in the case having been made and the bill reported having passed both Houses.

CATLENA WYMAN.

Mr. SAWYER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 5265) granting a pension to Catlena Wyman, having met, after a full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same.

PHILETUS SAWYER,
DAVID TURPIE,
Managers on the part of the Senate.
JOHN G. SAWYER,
ELLWOOD LANE,
C. E. BELKNAP,
Managers on the part of the House.

The report was concurred in.

FORT ASSINNIBOINE MILITARY RESERVATION.

Mr. SAWYER. I move that the Senate now proceed to the consideration of executive business.

Mr. SANDERS. I hope the Senator from Wisconsin will withdraw that motion.

Mr. SAWYER. I can not do that, as I promised a Senator that at the conclusion of the pension bills I would make that motion.

Mr. COCKRELL. We had better do that, or we shall not do anything.

Mr. SANDERS. I have a bill here providing for the granting of a right of way across the military reservation at Fort Assiniboine, about half a mile or a mile, where the company is engaged in constructing a railroad. The bill has been referred to the Secretary of War and also to the Committee on Military Affairs, and they have reported in favor of it. It will result in leaving a large number of workmen idle until the bill is passed. I am very desirous that it should be passed now.

The VICE-PRESIDENT. It can only be done by unanimous consent. Does the Senator from Wisconsin withdraw his motion?

Mr. INGALLS. What is the request?

The VICE-PRESIDENT. The Senator from Montana asks for the consideration of a bill.

Mr. SANDERS. It is the bill (S. 4341) granting a right of way across the Fort Assiniboine military reservation to the Great Northern Railway, involving a railroad about a mile long on the reservation, a transcontinental railway.

Mr. SAWYER. If the bill will not lead to debate, I shall withdraw my motion.

Mr. SANDERS. The bill leaves the entire matter to the Secretary of War. The Committee on Military Affairs has approved it.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4341) granting a right of way across the Fort Assiniboine military reservation to the Great Northern Railway.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THE REVENUE BILL.

Mr. SAWYER. I renew my motion.

Mr. ALDRICH. I ask the Senator from Wisconsin to withdraw his motion for a moment in order that I may make a statement.

Mr. SAWYER. I withdraw the motion for that purpose.

Mr. ALDRICH. Some time since I gave notice that I should ask for an evening session to-night. Since that time, however, I have become convinced that we shall probably arrive at some amicable arrangement with our friends on the other side for the disposition of the conference report on the tariff bill to-morrow, and therefore I shall not ask for an evening session this evening.

EXECUTIVE SESSION.

Mr. SAWYER. Now I renew my motion.

The VICE-PRESIDENT. The question is on the motion of the Senator from Wisconsin that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After nine minutes spent in executive session the doors were reopened, and (at 6 o'clock and 7 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, September 30, 1890, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate the 29th day of September, 1890.

MINISTER RESIDENT AND CONSUL-GENERAL.

Sempronius H. Boyd, of Missouri, to be minister resident and consul-general of the United States to Siam, *vice* Jacob T. Child, recalled.

MEMBERS CONTINENTAL RAILWAY COMMISSION.

Alexander J. Cassatt, of Pennsylvania, to be a member of the Continental Railway Commission, as provided for by an act of Congress approved July 14, 1890.

Henry G. Davis, of West Virginia, to be a member of the Continental Railway Commission, as provided for by an act of Congress approved July 14, 1890.

George M. Pullman, of Illinois, to be a member of the Continental Railway Commission, as provided for by an act of Congress approved July 14, 1890.

CONSULS.

Charles H. Shepard, of Massachusetts, to be consul of the United States at Gothenberg, *vice* Ernest A. Man, recalled.

Joseph Black, of Ohio, to be consul of the United States at Budapest, to fill a vacancy.

COLLECTOR OF CUSTOMS.

James H. Young, of North Carolina, to be collector of customs for the district of Wilmington, in the State of North Carolina, to succeed Enos J. Pennypacker, deceased.

ASSOCIATE JUSTICE, SUPREME COURT OF NEW MEXICO.

Alfred A. Freeman, of Tennessee, to be associate justice of the supreme court of the Territory of New Mexico, as provided by act approved July 10, 1890.

GOVERNOR OF ARIZONA.

John N. Irwin, of Iowa, to be governor of Arizona, *vice* Lewis Wolfley, resigned.

ENSIGN IN THE NAVY.

Richard H. Jackson, a resident of Alabama, to be an ensign in the Navy, from the 1st of July, 1890, to take position at the foot of the officers of that grade.

PUBLIC PARK COMMISSIONERS.

Henry V. Boynton, of the District of Columbia, to be a commissioner as provided for by an act of Congress approved September 27, 1890, entitled "An act authorizing the establishing of a public park in the District of Columbia."

Samuel P. Langley, of the District of Columbia, to be a commissioner as provided for by an act of Congress approved September 27, 1890, entitled "An act authorizing the establishing of a public park in the District of Columbia."

R. Ross Perry, of the District of Columbia, to be a commissioner as provided for by an act of Congress approved September 27, 1890, entitled "An act authorizing the establishing of a public park in the District of Columbia."

FIRST ASSISTANT POSTMASTER-GENERAL.

Smith A. Whitfield, of Cincinnati, Ohio, to be First Assistant Postmaster-General, in place of James S. Clarkson, resigned.

SECOND ASSISTANT POSTMASTER-GENERAL.

James Lowrie Bell, of Philadelphia, Pa., to be Second Assistant Postmaster-General, in place of Smith A. Whitfield, resigned.

UNITED STATES MARSHAL.

Alonzo L. Richardson, of Idaho, to be marshal of the United States for the district of Idaho, as provided by act approved July 3, 1890.

COLLECTOR OF CUSTOMS.

Frederick N. Dow, of Maine, to be collector of customs for the district of Portland and Falmouth, in the State of Maine, to succeed Samuel J. Anderson, whose term of office has expired by limitation.

PROMOTIONS IN THE ARMY.

Maj. Lewis Merrill, United States Army, retired, to be lieutenant-colonel of cavalry, to date from January 9, 1886.

First Lieut. Henry H. Bellas, United States Army, retired, to be captain of cavalry, to date from April 24, 1886.

Medical Department.

Maj. Blencowe E. Fryer, surgeon, to be assistant medical purveyor with the rank of lieutenant-colonel, August 28, 1890, *vice* Irwin, promoted surgeon with the rank of colonel.

Capt. Stevens G. Cowdrey, assistant surgeon, to be surgeon with the rank of major, August 28, 1890, *vice* Fryer, promoted.

CONFIRMATION.

Executive nomination confirmed by the Senate September 29, 1890.

COLLECTOR OF CUSTOMS.

Frederick N. Dow, to be collector of customs for the district of Portland and Falmouth, Me.

HOUSE OF REPRESENTATIVES.

MONDAY, September 29, 1890.

The House met at 12 o'clock m. Prayer by Rev. J. H. CUTHBERT, D. D.

The Journal of the proceedings of Saturday, September 27, was read and approved.

JURISDICTION OF THE COURTS OF THE UNITED STATES.

The SPEAKER laid before the House the bill (H. R. 9014) to define and regulate the jurisdiction of the courts of the United States, with Senate amendments.

The Clerk proceeded to read the bill and amendments.

Mr. EZRA B. TAYLOR. Mr. Speaker, I think there is no need to take time to read the amendments. I will state that the amendments are very vital, and generally pertain to the composition and jurisdiction of the proposed circuit courts. I shall in due time ask to non-concur in the Senate amendments and move the appointment of a committee of conference.

Mr. BRECKINRIDGE. Mr. Speaker, it seems to me that on a bill of this kind, and at this time of the session, the best thing for us to do would be to let it go to the Committee on the Judiciary, and then we can take it up at the next session.

Mr. EZRA B. TAYLOR. Undoubtedly it would not be reached this session under the suggestion which I make. It is not intended to consider and report upon it during the present session. The various amendments relate to the composition of the court of appeals, and its jurisdiction and all the amendments are substantially incidental to that idea. I simply suggest this course, as the committee of conference would be more likely to have time to examine the matter in the vacation, and therefore would ask non-concurrence in the Senate amendments, and have the bill and amendments go to the committee of conference to be appointed now, but not with the expectation of consideration and report at this session.

Mr. BRECKINRIDGE. I confess, Mr. Speaker, to not having examined the Senate bill, with all of its amendments, with such care as I desire, but I have very carefully followed the debates and the amendments in the Senate as reported in the RECORD, and this is an important bill.

Mr. EZRA B. TAYLOR. The House bill took away original jurisdiction from the circuit court and provided for two additional circuit judges, making three. The Senate bill restores the jurisdiction to the circuit court and provides for the appointment of one additional judge where the supreme justice holds court.

Mr. BRECKINRIDGE. I was going to say this: While it is impossible for anybody who has not taken up and examined the bill to tell all of the differences, there are other differences than those which my friend has just pointed out. The system of the Senate bill and the system of the House bill are generally unlike. The system of the House bill is that all original jurisdiction shall be in the district court, and appellate jurisdiction be divided between the circuit court and the Supreme Court, the circuit court consisting of justices of that court only; while the system of the Senate is that the original jurisdiction shall be as now, divided between the district and the circuit court, and that the Justices of the Supreme Court shall make their circuits as they now make them. Now, I want to say to the gentleman from Ohio that I think, in view of these facts concerning this bill, which I think is in some respects one of the most important that will come up for consideration by this Congress, it will be better for it to go to the Committee on the Judiciary than to a committee of conference.

Mr. LANHAM. If the gentleman from Kentucky will pardon me for a suggestion, I wish to state in behalf of my colleague [Mr. CULBERSON], who has taken a great deal of interest in this bill, that it was expected by him that it would take the course suggested by the gentleman from Ohio [Mr. EZRA B. TAYLOR], namely, that there should be non-concurrence in the Senate amendments on the part of the House, and that the conference requested by the Senate should be agreed to. It was expected by him that the matter would not receive final consideration until next session. He has now gone home; and I know that was the course he expected would be taken.

Mr. EZRA B. TAYLOR. I did not hear what the gentleman has said.

Mr. BRECKINRIDGE. I think if the point of order was made it would go to the Committee on the Judiciary, because there are amendments that I think under the ruling of the Chair and under the rules would take this bill to the Committee on the Judiciary.

Mr. EZRA B. TAYLOR. I will say that the subcommittee upon this matter consisted of the gentleman from Texas [Mr. CULBERSON] and another and myself. The gentleman from Texas has gone away for this session; and if the bill should be referred to the Committee on the Judiciary the action that they would take would simply be what I have suggested: to recommend non-concurrence in the Senate amendments and that a committee of conference be appointed.

Mr. LANHAM. I have just stated that that was the understanding that my colleague [Mr. CULBERSON] had.

Mr. BRECKINRIDGE. I want to be perfectly frank with the gen-

tleman from Ohio. I am opposed to the Senate bill and I am opposed to so much of the House bill as makes nine appellate courts. I am in favor of the principle of the House bill, which gives original jurisdiction to the district courts and gives appellate jurisdiction to an intermediate appellate court and the Supreme Court and takes from the circuit court the justice of the Supreme Court. I am in favor of taking the circuit judges now in commission and bringing them to Washington and establishing an intermediate court of appeals here. I know there are other gentlemen who agree with me, and they and I do not want to cut ourselves off from the privilege of advocating this in the House on a report from the Committee on the Judiciary on the amendments and being compelled to vote for the conference reports as a whole.

I think the Supreme Court ought to be granted some relief, but I greatly prefer to have it granted in the mode I have thus briefly pointed out than by either the mode adopted by the House or that which has received the approval of the Senate. If therefore I am entitled to have this bill sent to the Committee on the Judiciary, so that when it comes back I may have an opportunity to offer amendments, I wish to accomplish that purpose. Frankly stated, that is what is in my mind. I do not wish to delay the bill when it shall come back from the committee at the next session, but I want that opportunity for amendment if I am entitled to it.

Mr. FRANK. Does the gentleman make the point of order that the bill must be referred to the committee? If so, we will have a ruling on that point.

Mr. BRECKINRIDGE. I would rather not make the point of order. I would prefer that the chairman of the Judiciary Committee [Mr. EZRA B. TAYLOR] would allow the bill to go to his committee without the point being pressed. The bill would then be under his control.

Mr. EZRA B. TAYLOR. I think the measure would be advanced somewhat by the method I propose.

Mr. BRECKINRIDGE. I do not think so.

Mr. EZRA B. TAYLOR. The committee of conference which may be appointed by the House would in vacation examine this matter more carefully than if such a committee were appointed at the next session.

Mr. BRECKINRIDGE. Oh, I think the gentleman from Ohio will in any event examine this question just as carefully as it is possible for him to do. I have great confidence in his intelligent industry.

Mr. VAUX. May I ask the gentleman from Ohio [Mr. EZRA B. TAYLOR] a question?

Mr. EZRA B. TAYLOR. Certainly.

Mr. VAUX. Do I understand that the proposition now is to send this bill to a conference committee for the purpose of having that committee report legislation at the next session to be then taken up and considered?

Mr. EZRA B. TAYLOR. Yes, sir.

Mr. VAUX. Will there be an opportunity for amendment at that time?

Mr. EZRA B. TAYLOR. Yes, sir.

Mr. VAUX. Then I am perfectly satisfied; but I can not vote for the bill in either shape now proposed.

Mr. EZRA B. TAYLOR. I move that the Senate amendment be non-concurred in, and that a committee of conference be appointed.

Mr. BRECKINRIDGE. I make the point of order that this bill must have its first consideration in Committee of the Whole. Therefore it should properly go now to the Committee on the Judiciary. I think if the Chair will examine the bill he will find—

The SPEAKER. The Chair has caused the bill to be examined and understands that there is no new appropriation.

Mr. BRECKINRIDGE. There may be no new appropriation by the Senate, but there are amendments changing appropriations—changing the number of judges, changing their power or jurisdiction.

The SPEAKER. That does not carry the bill to the Committee of the Whole.

Mr. BRECKINRIDGE. I call for the reading of the amendments.

The SPEAKER. The gentleman has that right.

The amendment of the Senate (striking out all after the enacting clause and inserting a substitute) was read.

Mr. BRECKINRIDGE. Now, Mr. Speaker, if the Chair will examine the second section—

Mr. OATES. I would like to know the status of this bill. Has it been read subject to objection or what is the stage of this proceeding? I have just come into the Hall.

The SPEAKER. The bill is now up for consideration.

Mr. OATES. Was it read subject to objection?

The SPEAKER. All bills are read subject to objection in one sense.

Mr. BRECKINRIDGE. I do not wish to be considered as waiving the question of order.

Mr. OATES. This substitute of the Senate is totally different from the bill which was passed by the House; and I shall object to the consideration of it if I have that right. I desire that the measure go to the Committee on the Judiciary. It was the understanding of some members of the committee who are now absent that it should go there.

Mr. EZRA B. TAYLOR. The gentleman is under a misapprehension. There is no proposition to have the bill considered now. The only question is as to the appointment of a conference committee to act hereafter.

Mr. McMILLIN. The bill is not now in such a condition that a conference committee can be appointed. It is not privileged.

Mr. EZRA B. TAYLOR. The proposition is that the House non-concur in the amendments of the Senate and that a committee of conference be appointed.

Mr. McMILLIN. The matter is not privileged now.

The SPEAKER. The House will come to order. The Chair has not heard one word that has been said by the gentleman from Alabama [Mr. OATES] or the gentleman from Tennessee [Mr. McMILLIN].

Mr. OATES. Mr. Speaker, in a conversation which I had with the gentleman from Texas [Mr. CULBERSON], a member of the Judiciary Committee, I understood him to say that he had had a conversation with other members of the committee and that this bill was to go back to the Judiciary Committee; that a conference should not be ordered at once. If I was mistaken in my understanding of the matter I would like to know it.

Mr. LANHAM. The gentleman from Alabama [Mr. OATES] will permit me to say my understanding from my colleague [Mr. CULBERSON] was that the course indicated by the gentleman from Ohio [Mr. EZRA B. TAYLOR] should be taken; that the Senate amendments should be non-concurred in and a committee of conference agreed to, but that there should be no final action upon the measure until the next session.

Mr. McMILLIN. As the Speaker, on account of the confusion, was unable to hear, I may be permitted to repeat the statement I made, which was that this bill can only come up now for final action by unanimous consent; that it is not privileged for consideration in preference to other matters; that it can only have such privilege after a committee of conference is ordered and has made a report.

Mr. EZRA B. TAYLOR. The gentleman from Alabama [Mr. OATES] asked or suggested a question to which I should like to make a reply.

Mr. OATES. I do not think the bill will lose anything by being referred to the Committee on the Judiciary and reported back.

Mr. EZRA B. TAYLOR. I do not know what the other members of the committee to whom the gentleman from Alabama refers may have said, but I stated this to him, that in my judgment, considering the importance of this measure and the importance of the amendment, there ought to be a committee of conference appointed at this session for the purpose of considering the differences between the two Houses, and when the bill, being on the Speaker's table, came up this morning, I simply moved to non-concur in the Senate amendment and to ask for a committee of conference.

Mr. BRECKINRIDGE. And on that I have raised the point of order that the bill has to go to the Committee of the Whole.

The SPEAKER. The gentleman will state the ground of his point of order.

Mr. BRECKINRIDGE. I raise the point upon the ground that Rule XX provides that—

Any amendment of the Senate to any House bill shall be subject to the point of order that it shall first be considered in the Committee of the Whole House on the state of the Union if, originating in the House, it would be subject to that point.

Now, I have not been able to examine this bill with the care which should be given to it, but it creates an entirely new office and provides for the appointment of a new officer not provided for in the House bill, and therefore not considered by the House. If the Chair will turn to the third section of the bill, lines 16, 17, 18, and 20 of the Senate print, he will find that provision. I will read it, so that the Chair may have it before him:

That the marshals of the several districts in which said circuit courts may be held shall attend the sittings of said courts and execute the process to them directed.

And so on.

The Speaker will observe that the House bill does not create any office or any marshal of the circuit court, but provides that the duties that may be imposed by this court shall be performed by the officers of the marshals of the several districts. But the bill as it has been passed by the Senate creates a new office and provides for a new officer. It gives to the court, under the second section of the bill, the appointment of a marshal of the court, with the same duties and powers under the regulations of the court as are now provided for the marshal of the Supreme Court of the United States so far as the same may be applicable, and then it adds another entirely new provision, that the salary of the marshal of the court shall be \$2,500 a year and the salary of the clerk of the court shall be \$3,000, to be paid in equal proportions quarterly.

Under the House bill the court had the power to appoint a clerk and his compensation was to be such as by law is paid to similar officers for similar services. It may be, therefore, that this new provision fixing the salary of the clerk at \$3,000 a year is simply a modification of the provision contained in the House bill, but the marshal provided for by the Senate bill is a new officer. The provision contains all the indicia of the creation of an office. The appointment is to be made by

the court, the duties to be performed are prescribed, and the salary to be paid is fixed.

Now, indubitably, if that amendment was offered to the bill in the House it would have to receive its first consideration in Committee of the Whole. There can not be any dispute as to that. There is no such thing as a marshal of this court provided for in the law as it now stands; there was no such office in the bill as it was passed by the House, and no such officer. The office is a new one, created by the Senate for the first time, and the officer is to be paid, not as the present marshals are paid, by fees to be collected from litigants, but he is to be paid out of the Treasury a fixed salary of \$2,500 a year. Now, the language of the rule is exceedingly broad:

All motions or propositions involving a tax or charge upon the people; all proceedings touching appropriations of money, or bills making appropriations of money or property, or requiring such appropriation to be made, etc., shall be first considered in a Committee of the Whole.

I think I might defy any parliamentarian to find a precedent where a provision for the creation of an entirely new office, the duties of which were prescribed and the salary fixed, did not involve a charge or tax upon the Treasury. It seems to me, therefore, that the mere statement is conclusive of the case and that no argument can make it clearer. A bill goes from here to the Senate, the Senate makes an amendment to that bill by which, for the first time, there is created a new office, the amendment fixing the power of appointment and fixing the salary. Surely such a provision comes within the words of the rule "any amendment." That, Mr. Speaker, is the ground upon which I make the point of order that this bill must receive its first consideration in Committee of the Whole.

Mr. OATES. Mr. Speaker, to save further consideration of the question of order and to save time, I insist that this bill shall take the usual course and be referred to the Committee on the Judiciary. I think my friend from Ohio [Mr. EZRA B. TAYLOR] will see that that will not delay its consideration, as he does not seem to contemplate the passage of the bill at this session, but only the raising of a committee of conference. Let the bill go to the full Committee on the Judiciary and it can be considered at the very beginning of the next session. In the mean time all members of the committee will have an opportunity to look into it and they can report it here in the regular way and have a committee of conference appointed. I suggest to the gentleman from Ohio that that is the speediest way, and I am sure it will be the most satisfactory way, to dispose of this matter.

Mr. FRANK. Mr. Speaker, unless the bill must be referred to the committee as a matter of right under the rules and under this point of order, I shall object to that course. Time will be gained by having it go to conference now.

Mr. OATES. I object to a committee of conference being appointed and insist that the bill shall be referred in the usual way.

The SPEAKER. Does the gentleman from Ohio desire to reply to the question of order raised?

Mr. EZRA B. TAYLOR. Mr. Speaker, I have not heard half of what was said and do not care to occupy the time of the House.

Mr. McMILLIN. In addition to what has been said by the gentleman from Kentucky—

The SPEAKER. If the gentleman from Ohio does not desire to make any reply to the point of order the Chair will have to sustain it.

Mr. EZRA B. TAYLOR. I have no reply to make.

Mr. OATES. Is it not in order to refer this bill to the Committee on the Judiciary?

The SPEAKER. The Chair would like to know as a matter of fact whether a new office, as suggested by the gentleman from Kentucky, is created by section 3 of the Senate bill.

Mr. EZRA B. TAYLOR. So far as I am concerned, Mr. Speaker, I do not think so, although I have not carefully examined that point, and for that reason did not desire to make any objection to the point of order raised by the gentleman until I had examined it.

Mr. BRECKINRIDGE. I think if the gentleman from Ohio will examine the two bills and compare them he will find that I am correct. I think so; at least I have tried to be. The present bill, if the gentleman has the Senate print before him, specifies, as he will find on page 3 and section 3 of the House bill, from lines 16 to 22, inclusive, all of the provisions that the House bill made with reference to the marshals, namely:

That the marshals of the several districts in which said circuit courts may be held shall attend the sittings of said courts, and execute the process to them directed, and, under the direction of the Attorney-General of the United States and with his approval, provide such rooms in the public buildings of the United States as may be necessary, and pay all incidental expenses of said courts, including clerks, bailiffs, and messengers.

The SPEAKER. The Chair would ask the gentleman if there is now such an officer as a marshal of this court.

Mr. BRECKINRIDGE. Not of this court—not of the circuit courts. There is a marshal of the district of Kentucky and of the various districts.

The SPEAKER. Does this office remain?

Mr. BRECKINRIDGE. It does.

The SPEAKER. Under this bill?

Mr. BRECKINRIDGE. Under this bill, and on him by the House

bill were imposed the duties of this new court. But turn now to page 16 of the second section of the Senate bill and it will be seen that that duty is taken from the marshals—

Mr. McMILLIN. Whose ordinary duties remain as before.

Mr. BRECKINRIDGE (continuing). Yes; whose ordinary duties remain as before, and they perform the duties required by law. But an additional provision is made that this court—

Shall have the appointment of the marshal of the court, with the same duties and powers under the regulations of the court as are now provided for the marshal of the Supreme Court of the United States so far as the same may be applicable.

Provision being made thereby for an entirely different officer, with different duties and different compensation.

The SPEAKER. But the duties would be very much the same.

Mr. BRECKINRIDGE. And then to this new office is attached a fixed salary of \$2,500 per annum, which is a different mode of payment from the payment of the officers provided in the House bill, and is a different amount from what that officer would have received under the provisions of the House bill. I give that fact not as trenching on the other point of order, but as *indicia* that this is a new office, the creation of a new office. This bill gives to the circuit court the power of appointing the marshal; in the next place this section describes the duties of the new officer, to wit, that such officer is by law or regulation to perform duties similar to those of the marshal of the Supreme Court of the United States; and, third, that it fixes a salary of \$2,500 a year. I give these, I repeat, Mr. Speaker, as *indicia* of a new office. These are laid down in all the law books as *indicia* of a separate office, not simply imposing new duties upon an officer of this court, but absolutely the creation of a new office, with new and independent duties.

Mr. McMILLIN. Mr. Speaker, the House bill provided for the discharge of these duties by the marshals of the several districts—for instance, the marshal of the district in which the State of Kentucky is located, the district in which Maine is situated, or in which Tennessee is situated. That officer was paid by fees growing out of the litigation in the courts. That office remains and is not repealed by the provision of law now before us, but instead of that the fact is that a new office, not contemplated by the original bill, is created, the salary to be paid out of the Treasury of the United States. It is clearly the creation of an office paid by the United States, whereas the other office provided for by the House bill was not paid from the Treasury of the United States, and remains still in force and the incumbent still collects the fees.

Mr. FRANK. Would it be in order to lay this bill aside, not finally, but temporarily, until we can inquire into the facts and changes that have been made? I ask unanimous consent that the bill be laid aside for the present and that it be ordered printed, so that we may see the provisions of the Senate amendments. I do not understand the changes to be such as are indicated by gentlemen who have spoken.

The SPEAKER. If there be no objection, the bill can be laid aside temporarily for that purpose.

Mr. VAUX. I am opposed to passing the bill at this time. I do not object to the gentleman's request, but the bill is full of incongruities which have not yet been ascertained.

Mr. OATES. Is there objection to the appointment of a conference committee, does not the bill have to go to the Judiciary Committee? Is not that the regular course?

The SPEAKER. It is only subject to such point of order as has been suggested by the gentleman from Kentucky.

Mr. McMILLIN. It would be in the event that the point of order was overruled; if it be found that it makes no new appropriation or creates no new office, I understand it would fall under the other rule which allows the House to dispose of it as it sees fit.

The SPEAKER. As it sees fit.

Mr. FRANK. We will examine it.

The SPEAKER. The gentleman from Missouri [Mr. FRANK] asks unanimous consent that the bill may be laid aside for examination on that point. Without objection, it will be so ordered.

Mr. BRECKINRIDGE. I would like, Mr. Speaker, before that is done, to have it understood that it is to be decided some time during the present session.

Mr. FRANK. Oh, yes; right away.

Mr. BRECKINRIDGE. I do not mean to-day, but I mean during the present session.

GENERAL DEFICIENCY BILL.

Mr. HENDERSON, of Iowa. Mr. Speaker, I present the report of the conferees on the general deficiency bill. There is a very full statement and I would ask to have it read, and to omit the reading of the conference report.

The SPEAKER. The gentleman from Iowa [Mr. HENDERSON] asks unanimous consent to dispense with the reading of the report and to have the statement read. Is there objection?

Mr. BLOUNT. If the gentleman from Iowa will make a verbal statement I think that will be satisfactory. We will get the information more easily in that way.

Mr. HENDERSON, of Iowa. The gentleman from Georgia suggests that I make a statement without having the formal statement of the

House managers read. I ask unanimous consent, at the suggestion of the gentleman from Georgia, to dispense with the reading both of the conference report and of the statement.

The SPEAKER. Is there objection to the request?

Mr. HOLMAN. What is the request?

The SPEAKER. That the gentleman from Iowa substitute a verbal statement for the technical printed statement. Is there objection? [After a pause.] The Chair hears none.

The statement of the managers on the part of the House is as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11459) making appropriations to supply deficiencies for the fiscal year 1890 and prior years submit the following written statement in explanation of the action agreed upon by the conference committee on each of the said amendments, namely:

On amendment numbered 1: Appropriates \$75,000, as proposed by the Senate, to survey the international boundary between the United States and Mexico.

On amendment numbered 2: Appropriates \$9,000 for the expenses of the United States and Venezuelan Claims Commission.

On amendment numbered 3: Strikes out the amendment proposed by the Senate to the diplomatic and consular act for 1891, with reference to the publication of reports of the International Conference.

On amendment numbered 4: Corrects a date fixed in the diplomatic and consular appropriation act for 1891, so as to make the appropriation therein for the rent of legation buildings at Tokio, Japan, available during the year 1891.

On amendment numbered 5: Strikes out appropriation of \$3,000 proposed by the House for the removal of the remains of Lieut. H. C. T. Nye, who died while acting as naval attaché at the legation of the United States in Peru.

On amendment numbered 6: Appropriates \$36,000 instead of \$40,000, as proposed by the Senate, for contingent expenses of the United States consulates, and makes \$6,000 thereof available for the salaries of consular officers not citizens of the United States.

On amendment numbered 7: Authorizes the credit of \$800 in the accounts of the late Consul-General Walker at Paris for storage of archives of the consulate general.

On amendments numbered 8 and 9: Make a verbal correction in the text of the bill and appropriate \$7,000 for the purchase of a collection of prehistoric copper implements.

On amendment numbered 10: Appropriates \$10,000 for the completion of the public building at Dayton, Ohio, and \$10,000 for the completion of the public building at Winona, Minn.

On amendment numbered 11: Appropriates \$110,000 for heating apparatus, elevators, and approaches for the public building at Pittsburgh, Pa., and \$10,000 to complete the public building at Texarkana, Tex.

On amendment numbered 12: Strikes out appropriation of \$15,500 proposed by the House to complete the light-house at Lubec Narrows, Maine.

On amendment numbered 13: Appropriates \$3,169.63, as proposed by the House, for certain printing done for the Territory of Montana, instead of \$1,497.25, as proposed by the Senate.

On amendments numbered 14 and 18: Authorize the settlement of the accounts of the collector of customs at the port of New York so as to allow for the payment of two additional deputy surveyors of customs and one deputy naval officer, and authorize the continuance of the employment of such officials in the future, and provide that the Secretary of the Treasury may authorize certain customs employes to administer oaths without compensation *in re*for.

On amendment numbered 15: Appropriates \$2,500 for the redemption of certain unsigned bank notes as proposed by the House.

On amendment numbered 16: Appropriates \$365.15 to pay Susannah George for expenses due her husband as light-keeper at Plum Island, Massachusetts, as proposed by the House.

On amendment numbered 17: Appropriates \$170.65 to reimburse the crew of the life-saving station at Muskeget, Massachusetts, for the loss of personal property by the burning of the station.

On amendment numbered 19: Authorizes the settlement of the accounts of Samuel Hine, late disbursing officer of the Coast Survey, so as to give him credit in the sum of \$1,255.85, as proposed by the Senate.

On amendments numbered 20, 21, and 22: Appropriate as proposed by the Senate to reimburse the States of North Dakota, South Dakota, and Washington for moneys expended in paying the expenses of the late constitutional conventions held therein.

On amendment numbered 23: Strikes out the appropriation of \$12,000 proposed by the Senate for a steam-vessel to be used in the customs collection district of Puget Sound.

On amendment numbered 24: Appropriates \$3,000 to enable the Secretary of the Treasury to appoint a commission to report on the best method of safe and vault construction for the Treasury Department.

On amendment numbered 25: Strikes out provision proposed by the Senate limiting the cost for the use of telephones by the Government in the District of Columbia to \$30 per annum.

On amendment numbered 26: Strikes out provision proposed by the House preventing hereafter the publication of the names of the delinquent tax-payers of the District of Columbia in certain newspapers.

On amendment numbered 27: Appropriates \$111 as proposed by the Senate to pay a clerk in the police department of the District of Columbia.

On amendments numbered 28 and 29: Strike out payments proposed by the Senate to certain assessors of the District of Columbia for work on Sundays.

On amendments numbered 30 and 31: Make a verbal correction in the text of the bill and appropriate \$1,200 as proposed by the Senate to pay a judgment against the District of Columbia to James H. Seville.

On amendment numbered 32: Strikes out appropriation of \$235.99, proposed by the Senate, to pay for certain extra services in connection with the water department of the District of Columbia.

On amendment numbered 33: Appropriates \$1,652.83, instead of \$1,000 as proposed by the House, for transportation and recruiting for the Navy.

On amendment numbered 34: Appropriates \$435, as proposed by the Senate, to pay an account of the Bureau of Equipment and Recruiting of the Navy.

On amendments numbered 35, 36, 37, 38, and 39: Appropriate, as proposed by the Senate, \$7,898.02, to pay certain outstanding accounts of the Marine Corps.

On amendment numbered 40: Appropriates \$114.39 to pay accounts of E. S. Brooks and Joseph Rakeman for work done in refitting the office of the Commissioner of Patents, and \$43.65 to pay Edward Renaud for services as a clerk in the Pension Office.

On amendment numbered 41: Appropriates \$25,000, instead of \$40,000 as proposed by the House, and \$15,000 as proposed by the Senate, for the expenses of providing town-site entries in Oklahoma.

On amendment numbered 42: Appropriates \$30,000, as proposed by the Senate, for the erection of a penitentiary building in North Dakota.

On amendment numbered 43: Appropriates \$5,000 for completing certain improvements at Hot Springs, Ark.

On amendment numbered 44: Strikes out proposed appropriation of \$1,109.67

to pay Robert Berry for salary and expenses as a special agent of the General Land Office.

On amendment numbered 45: Appropriates \$169.37 to pay F. H. Conger, late superintendent of the Yellowstone Park, certain expenditures made by him.

On amendments numbered 46 and 47: Make verbal corrections in the text of the bill and appropriate, as proposed by the House, \$122.50 to reimburse B. C. Hobbs, amount expended by him in the purchase of certain land for an Indian training school for the United States.

On amendment numbered 48: Appropriates \$12,766.80 as additional compensation to certain employes in the Post-Office Department.

On amendment numbered 49: Authorizes a credit of \$11,115.33 in the account of the late postmaster at Minneapolis, Minn., being value of certain postal funds stolen from the sale of said office in 1886.

On amendment numbered 50: Appropriates \$01.65 to pay M. M. Lynch for services in carrying the United States mail.

On amendment numbered 51: Appropriates \$40,000 to enable the Secretary of Agriculture to continue to completion his investigation as to the extent and availability for irrigation of the overflow and artesian waters between the ninety-seventh degree of longitude and the eastern foot-hills of the Rocky Mountains with the condition that said work shall be completed and finally reported on before July 1, 1891, without any additional expense, cost, or charge.

On amendments numbered 52 and 53: Appropriate \$2,138.55 to pay certain audited accounts on account of defending suits in claims against the United States.

On amendment numbered 54: Appropriates \$216.60 to pay the salary of the United States judge in Alaska.

On amendments numbered 55, 56, 57, and 58: Make verbal corrections in the text of the bill and appropriate \$198 for services of a deputy marshal in Oklahoma and authorize the Attorney-General to investigate and report the amounts due certain persons for services rendered in Oklahoma since the lands thereof were opened to settlement by the President.

On amendment numbered 59: Appropriates to meet deficiencies in the appropriations for United States attorneys and assistants for 1889 and 1890, and for miscellaneous expenses of United States courts for 1890.

On amendments numbered 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, and 86: Appropriate as proposed by the Senate to meet certain deficiencies in the appropriations on account of expenses of that body.

On amendments numbered 87, 88, 89, 90, 91, 92, 93, 94, and 95: Appropriate as proposed by the House for payment to widows of certain deceased members of the House of Representatives.

On amendment numbered 96: Appropriates as proposed by the House to pay the salary of George A. Mathews as a Delegate from the Territory of Dakota to the Fifty-first Congress.

On amendments numbered 97 and 98: Provide as proposed by the House for reimbursing the Official Reporters of debates and to committees for extra clerical hire and service during the present session of Congress.

On amendment numbered 99: Appropriates \$300 additional for the salary of the House telegraph operator.

On amendment numbered 100: Strikes out appropriation of \$1,333.33 proposed by the Senate to pay the estate of John C. Rives for rent of a building.

On amendments numbered 101 and 102: Appropriate \$400 to pay a judgment of the Court of Claims.

On amendments numbered 103, 104, and 105: Require the Secretary of the Treasury hereafter to certify to Congress for appropriation judgments of the Court of Claims, and provide that interest on such judgments shall not run after the date of the mandate of affirmance by the Supreme Court, and that no one of the judgments of the United States courts rendered under the act of March 3, 1857, provided for in the bill, shall be paid except upon the written certificate of the Attorney-General: that the question of law which it was necessary to decide adversely to the United States in rendering such judgments is not involved in any case of the United States which is pending and undecided in the Supreme Court.

On amendments numbered 106, 107, and 108: Appropriate \$787.50 for rent of office for use of the assistant attorney representing the Government in the Fox and Wisconsin River suits; \$120,402.70 to pay judgments and awards for flowage damages caused by the improvement of the Fox and Wisconsin Rivers; and authorize the removal for trial into the circuit court of the United States for the eastern district of Wisconsin any suit now pending in the courts of Wisconsin for flowage damages caused by the improvement of the Fox and Wisconsin Rivers.

On amendment numbered 109: Appropriates \$633.95 to refund to the State of Iowa the amount certified by the accounting officers of the Treasury to be due.

On amendments numbered 110 and 111: Make verbal corrections in the text of the bill.

On amendment numbered 112: Strikes out appropriation of \$20,000 proposed by the Senate to survey the line between the States of North and South Dakota.

On amendments numbered 113 and 114: Appropriate for the payment of certain claims audited and certified to Congress on account of the pay of the navy.

On amendments numbered 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, and 142: Provide for certain deficiencies in the appropriations for the support of the Government ascertained and certified by the accounting officers of the Treasury to the Senate in Senate Executive Document No. 210.

On amendments numbered 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153: Appropriate for the payment of certain audited claims ascertained and reported to the Senate in Senate Executive Document No. 211.

On amendment numbered 154: Strikes out appropriation of \$1,239,688.98 proposed by the Senate for the payment of the French spoliation claims.

The bill as it passed the House appropriated \$5,230,535.78, to which the Senate added by amendments \$2,644,955.95. The bill as agreed upon in conference appropriates \$6,666,258.52, being a reduction of \$1,209,233.21 under the amount added by the Senate.

D. B. HENDERSON,
J. G. CANNON,
J. C. CLEMENTS,

Managers on the part of the House.

Mr. HENDERSON, of Iowa. Mr. Speaker, this bill as it passed the House appropriated \$5,230,535.78. As it passed the Senate it carried \$7,875,491.73. As agreed upon in conference it carries \$6,666,258.52.

The chief items which the Senate proposed to strike out and which have been restored in conference are as follows:

The allowances to families of deceased members and to the Official Reporters of the House, aggregating \$60,771.41.

It will be remembered that all of our allowances to our deceased members were stricken out by the Senate. That was done for the purpose of ascertaining what the rule laid down by the House was. The amounts being large in some cases, the Senate was rather startled by them and wanted information before agreeing to the items. It so

happens that in one or two of the cases there was allowed the very highest possible amount that could be allowed under the rule adopted by the House in respect to these cases.

After the matter was explained to the Senate conferees they receded, so that the provisions made in the House bill in respect to our deceased brothers stand as passed by the House. The same is true as to the Reporters of the House.

The chief item which was receded from in conference was the item covering the French spoliation claims, amounting to \$1,239,688.98.

The net amount of the Senate increase, which was reduced in conference, including the French spoliation claims and all other items, was \$1,360,120.68.

I will state for the information of the House the principal items added by the Senate and agreed to in conference.

The first item of importance was for fixing the international boundary between the United States and Mexico, \$75,000.

It will be remembered that in the last Congress we appropriated \$100,000. That amount was found to be insufficient for the work.

Each Government was to pay its own share of the expense; but \$75,000 more were needed in order to do the work, and the matter was strongly urged upon our attention by the State Department. Learning that much difficulty grows up because of the boundary not being fixed and that it is a matter of great international importance that this line should be definitely settled and marked by permanent monuments, the conferees on the part of the House yielded and agreed to that item.

The contingent expense for United States consuls as reported by the Senate amendment was \$40,000. Four thousand dollars of that was yielded by the Senate and \$36,000 was yielded by the House conferees, so that \$36,000 is agreed upon in this report. Six thousand dollars of the \$36,000 go to those who are not citizens of the United States, acting as consuls in the absence of consuls under the law. While such persons are acting, they receive a lower rate of compensation than our own consuls and the consuls receive none, so that it is practically a saving of expense in that respect.

One large item was \$110,000, added for fitting up the interior of the public building at Pittsburgh. That was an item which was certified after similar items were put in by the House committee. All of them that had been recommended by the Department had been incorporated in the House bill by the House. This item was certified up afterward and is of the same character as those that were put in by the House. It is for the fitting up of the interior of that building, and every item was given in detail by the Treasury Department.

Then there was an item of \$30,000 for a penitentiary in North Dakota, which the House non-concurred in; but when we came to get information from the Senate and look the matter up we found that that had been provided for in the original act of division, so that that was a matter in which we had no discretion, and we were left simply to appropriate according to existing law.

We had some trouble over the matter of irrigation, \$40,000, but finally yielded to the Senate amendments with several strong conditions, providing that this matter must be closed up and reported on by the 1st of July and that there should be no obligations incurred which should involve other expense thereafter, and that this \$40,000 should close up that matter entirely.

Then there are \$120,402.70 for awards and judgments in the Fox River improvement cases. This is a large amount for judgments rendered in pursuance of existing law. We have, however, in this provision an amendment which requires that these cases shall be transferred to the Federal courts hereafter, and thus take them away from the high local pressure which they obtain in the State courts. Then for the Department of Justice—

Mr. BLOUNT. I would like to ask the gentleman are there many of these claims still pending?

Mr. HENDERSON, of Iowa. They are judgments rendered in the local courts, and we only know how much there is of them as they are certified.

Mr. BLOUNT. As I understand, you provide here for their being heard in the Federal courts instead of the State courts.

Mr. HENDERSON, of Iowa. Yes, sir; there are some more remaining. I do not know how many.

Mr. THOMAS. I will state to the gentleman that there are only a very few of them remaining. The act under which they were paid has been repealed, and it provides that only those cases that had commenced shall be finished.

Mr. BLOUNT. When was that repealed?

Mr. THOMAS. Last Congress.

Mr. LA FOLLETTE. Last year, in the deficiency bill.

Mr. HENDERSON, of Iowa. The law has been repealed, and the transfer made to get them away from the local pressure. We have guarded it just as well as possible under the circumstances.

Now, then, for supplemental deficiencies ascertained and reported to the Senate since the bill passed the House, there are \$57,000 for the Department of Justice, a large number of them having been audited since the bill passed the House in pursuance of a request from the Committee on Appropriations that these bills should be audited; and all that have been audited are allowed.

In addition to this, there were quite a number which the Department of Justice submitted to the Senate, which they say can not be allowed by the auditing officers, but which were properly authorized and ordered by the Department of Justice. All these we have allowed.

We have also allowed all submitted in 1889 and 1890, leaving only unprovided for those where the covering act no longer provides for them, and being cases which the Department of Justice have sent to the auditing officers, and they are now in hand. For these we have appropriated \$140,000, and that includes \$78,000 for the Post-Office Department, in the supplemental statement of audited accounts. Then we have audited claims regularly reported from the auditing officers, amounting to \$700,000, which makes up a large item in the additions put on by the Senate. These are the regularly audited claims that come through the regular channels, being those which were reported to the Senate committee after the bill was made up in the House.

For the information of the House I will go hastily over a few of the items in this change:

For Army pay, \$12,000.

For Army transportation, \$113,000.

For Navy pay, etc., \$119,000.

For lost horses, \$54,000.

Going to States under existing law, \$195,000.

Then there is an item which carries no money with it, to straighten out the accounts of General Frémont, amounting to \$74,000. This is simply a matter of book-keeping, carrying no money, but still it goes to make up the aggregate sum.

Then there is \$31,000 for the Internal Revenue Bureau, for the refunding of taxes illegally collected, which is a usual appropriation.

For survey of the public lands, \$30,000.

These are the leading items of that \$700,000 to which I have called attention.

Now, Mr. Speaker, my colleague on the conference committee, the gentleman from Georgia [Mr. CLEMENTS], desires to make a few observations, and I yield such time as he desires for that purpose.

Mr. CLEMENTS. Mr. Speaker, in view of some of the items in this bill agreed upon in the conference report, I do not deem it inappropriate at this time to call the attention of the House to a comparison of the expenditures in behalf of the Senate and in behalf of the House.

The appropriations made during this session to supply deficiencies on account of the expenditures in the Senate, other than salaries of Senators, expenses of contest, and allowances of the heirs of deceased Senators, amount to \$144,206.12. This is for deficiencies authorized during this session of Congress not included within the extraordinary items which have been excepted.

For like purposes there have been appropriated during this session for deficiencies for the House only \$73,856.79. The employes of the Senate provided for in the legislative act for 1890 are 261, and in the House 325. Additional provided for in the legislative act for 1890, 24 for the Senate; additional provided for in the deficiency bill now under consideration for 1891, 13, making a total of 38 increase for 1891, making a total authorized for the Senate by this bill and laws that have passed of 298, and for the House 329. The compensation amounts, in the aggregate, for the Senate employes, to \$361,026.10, and, for the House, \$393,113.30. The average annual compensation of the Senate officials and employes is \$1,211.50 and of the House employes \$1,194.90.

The average number of officials and employes to each Senator is now more than three and a half, with an average aggregate compensation of \$4,298. The average number of officials and employes to each member of the House is less than one, at a cost of \$1,177 to each member. I simply call attention to this state of facts, which is the result of a constant accumulation, session after session, of extra and additional employes at the other end of the Capitol. I am unable to see anything in the duties of the members of that body which require three and a half employes to each Senator while less than one to each member is found sufficient at this end of the Capitol.

Mr. DUNNELL. Does not the gentleman think that the preservation of proper dignity may involve some additional outlay? [Laughter.]

Mr. CLEMENTS. I know of no office of any more real dignity than that of a direct Representative of the people, a member of this body, by which alone tax bills and appropriation bills can be originated. I do not think it would impair either the dignity or efficiency of Senators if they were elected by the people directly. I have called attention to this steady increase of offices, which the Representatives of the people and the people themselves should look squarely in the face. It is not confined by any means to Senate employes. It is an evil which seems to be inherent in the management of public affairs in all Departments.

Early in this session the gentleman from Ohio [Mr. BUTTERWORTH], in charge of the legislative, executive, and judicial appropriation bill, called attention, not only in his report, but also in some remarks upon this floor, to the fact that it had been shown and admitted by officers in the Departments that there were being carried upon the pay-rolls and appropriated for annually from 10 to 25 per cent. more officials than were necessary for an efficient performance of the public service. Yet, in the face of this fact, admitted by the officials of the Departments and called attention to here in an official report, you are

carrying in this bill, and there seems to be no escape from it, still more additional employes for the Senate. Not only that, but the figures stated by the gentleman from Texas [Mr. SAYERS] a few days ago show that you have created in the appropriation bills of this year and otherwise an aggregate of 1,270 new offices while you have dropped only 109, leaving a net increase of 1,161 offices.

The figures also show that the salaries that have been increased are 1,092 in number. Mr. Speaker, there seems to be a necessity for an occasional uprising, an awakening of the public conscience, and a special effort on the part of the people and their Representatives for the purpose of shaking up the dry bones in the Departments and in the public service generally. In 1876, after a decade or two of running along in the old groove, it seemed that almost every official who came into the public service deemed it to be his highest duty to find additional places for his sisters and his consins and his aunts, until the time was ripe for a change, and there arose among the people and in this House a spirit of retrenchment and reform, led by that distinguished patriot, Mr. Randall, and others, which resulted in the lopping off of about \$30,000,000 from the annual expenses of the Government.

Since that time the accumulation of parasites upon the public service has again gone on to such an extent that it seems to me that the field is again white for the harvest, and another shaking up is needed, another movement in the interest of retrenchment and reform. In the face of the fact stated early in this session, that there was a large percentage of unnecessary employes in the public service, it seems that we are still unable to check this tendency, and every bill that comes in carries a number of additional employes. The Government is carrying substantially a civil pension-list under the guise of the public service.

This evil is a matter of slow but steady growth, and although it is checked at times by such a shaking up as I have mentioned when the people and their Representatives become aroused to the necessity for reform, yet as soon as the movement ceases the evil begins again and goes on session after session, year after year, and there seems to be no other way of checking it, or getting rid of these parasites upon the public service and coming back to business methods but by a radical reform inaugurated by the people; for it takes almost a revolution to effect the necessary reform.

Mr. HENDERSON, of Iowa. I yield as much time as he desires to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, I want only a minute or two, to say that I think that in some of the Departments of the Government, if the heads of the respective bureaus had the power to choose their employes, and would exercise that power as a man would exercise it in private business, there might be some decrease in the existing force, while in others I think there could not be any decrease without injury to the service. I will not at this time stop to designate those Departments in which, under the circumstances I have indicated, there might safely, in my opinion, be a small decrease.

I do want to say, however, after ten years of service upon the Committee on Appropriations and being somewhat familiar with the appropriations of the public service, that, in my judgment, considering the growth of the country and the amount of work to be done, there never has been a period in the history of our Government when the work was done so well and so economically as it is done to-day. I want to say further that we sometimes forget the enormous increase of the work connected with the carrying on of this great Government. Why, do gentlemen remember that since 1870, within a period of twenty years, there has been an increase of 26,000,000 in the population of this country, more people than there are to-day in all England, and there has been a more than corresponding increase in the agricultural and manufacturing industries of the country and in its commerce, internal and foreign?

I thought it proper to say this much by way of supplement to the remarks of the gentleman from Georgia [Mr. CLEMENTS]. Now, one word as to the increase he speaks of in the number of employes of the Senate. There is an increase there. It comes largely from the employment of clerks for Senators. Members of that body believe it necessary, in order to enable them to conduct the public business, that there should be paid at the public expense a clerk for each Senator who is not the chairman of a committee and has not the assistance of a committee clerk. I am inclined to think that they are correct in regard to this matter. I have long been of the opinion that the public service would be better cared for if each Representative had such aid.

With the one hundred letters on the average that many Representatives receive daily, requiring one hundred answers, and half as many commissions to be attended to before they can be answered—matters not connected with the public business, but concerning the interests of constituents—with all this work which no one man, attending to it industriously in the ordinary course of business, working twelve hours a day, could dispose of—after this private work is out of the way, exacting in its nature—gentlemen can not disregard it, because if they do, there is complaint amongst their constituents—we come to the public business; and with over twelve thousand bills, referred to fifty odd committees, requiring investigation, consideration, and report, with revenue bills to be considered and put in proper shape for the public

good, with appropriation bills covering three hundred millions of public money, every item of which should be examined and considered in the committee that frames the bill and in the Committee of the Whole and in the House, gentlemen can see at once that if we could work twenty-four hours in every day, assuming that we make even a faint approach to the exhaustion of the public measures of legislation, there is not time enough for the public business, without regard to the private matters in which our constituents are concerned.

So that I have long been of opinion that it would be a wise expenditure if each Representative could have, paid from the public Treasury, a competent clerk who should be a stenographer, to at least assist in taking care of the private portion of the demands which come upon him as a member of Congress from his constituency, as well as to assist in the preparation of public business as a clerk. But we have not such assistance; and that explains a part of the disparity between the employes of the House and the employes of the Senate.

Mr. SAYERS. I notice that there is an increase of twenty-four officers of the Senate. The increase in the number of Senators will not explain this large increase in the number of employes.

Mr. CANNON. The gentleman is correct; and, without violating the rules or criticising the other branch of Congress, I will say that I know many Senators are inclined to believe, and so state frankly, that the force of that body is too large. But under that courtesy which has existed in the Senate of the United States from the foundation of the Government, new employes for Senators and the Senate, when asked by one or any considerable number, are granted by the others almost as a matter of course, although the Senators making the request may not be in the majority. I have never been able to find, in discussing these appropriations touching the personnel of the Senate, that there was any difference whatever arising from the political complexion of the Senate. It has been the same when the Democrats had the Senate as it is now when the Republicans have it. Upon this one thing they have always been and are now a unit.

Mr. HENDERSON, of Iowa. Is it not true that there are some Democratic Senators who have more patronage over there than some Republican Senators?

Mr. CANNON. Oh, I presume so.

Mr. SAYERS. I would like to know the particulars as to that matter.

Mr. HENDERSON, of Iowa. Human nature seems to be the same over there, without regard to politics.

Mr. CANNON. I do not desire to say anything further touching the employes of the Senate. That body has always insisted that the number and character of its employes was a matter of which it was the judge; and, as the concurrence of that body is required for the appropriation of money, it has substantially, with a few exceptions, always carried its point.

Mr. BUCHANAN, of New Jersey. Is it not a fact that a very large portion of the increase in the clerical force of the Departments is due entirely to the pension legislation which we have enacted?

Mr. CANNON. Oh, certainly.

Mr. BUCHANAN, of New Jersey. I understand that a large proportion of this additional force is employed in the adjudication of claims of disabled soldiers and the widows of deceased soldiers.

Mr. CANNON. That matter has been fully stated. I do not recollect the exact number of additional employes for work of that character—

Mr. SAYERS. But if we deduct all the additional force authorized by the present Congress for pension business, the number of new officers created by this Congress is still greater than the number of new officers created at both sessions of the Fiftieth Congress.

Mr. BUCHANAN, of New Jersey. I would like the gentleman to give me a detailed statement of that matter.

Mr. SAYERS. I will do so.

Mr. BUCHANAN, of New Jersey. I understand that, in reaching such a result, bills are counted which have not yet become laws. For instance, the computation includes offices proposed to be created by the bankruptcy bill.

Mr. SAYERS. No, sir; that is not embraced in the computation at all.

Mr. BUCHANAN, of New Jersey. According to my understanding it is; and for that reason I would like to have a detailed statement.

Mr. CANNON. Mr. Speaker, this whole matter has been gone over. Some weeks ago the gentleman from Texas [Mr. SAYERS] submitted what he had to say on this subject and I submitted what I had to say. Our remarks have been entombed in the RECORD [laughter], and I do not desire to go over the matter again. I wish to make only one additional remark, and then I will sit down.

Considering the increase of population, considering the growth of the country, the increase of the material prosperity of the country, the increase of Federal officials—

Mr. BUCHANAN, of New Jersey. And of public buildings.

Mr. CANNON (continuing). I say the increase of Federal officials has not kept pace with the increase of population by one-third.

Mr. CLEMENTS. Will the gentleman yield for a single question?

Mr. CANNON. Certainly.

Mr. CLEMENTS. The gentleman from Illinois has been a member

of the House for a long time and very intimately connected with the Committee on Appropriations and public expenditures for many years. I want to ask him if he thinks that, laying aside the private secretaries of the Senators themselves, any necessity exists for three and a half employes, on an average, to each Senator at a cost of \$4,298 per annum, whereas the number of employes in the House averages less than one to each member at a cost of but \$1,177 per annum. I ask him as a business man what he thinks of that.

Mr. CANNON. In my judgment, I will state to the gentleman, there might well be an increase of the employes of the House for the purposes I have just designated, and I think also there might well be a decrease in the employes of the Senate.

Mr. HENDERSON, of Iowa. I yield now to the gentleman from Kansas [Mr. PETERS].

Mr. PETERS. Mr. Speaker, I want to call the attention of the House simply to one fact in connection with the statements already made on this question by the gentleman from Georgia [Mr. CLEMENTS], and it is this: It will not do to make a comparison between the number of employes of the House and Senate or to say that there are so many employes to each Senator and so many employes to each member of the House; for it must be remembered that each State has but two Senators, while some of the States have thirty-four or thirty-five Representatives on the floor of the House. It is manifestly, therefore, an unjust comparison; for the reason that two Senators have to look after the entire interests of the State, while the membership of the State on the floor of the House, amounting, as I have said, sometimes to thirty four or five in number, divide up amongst themselves and look after the interests of each part of the State.

Mr. MORSE. But they do not do as much work as the members of the House.

Mr. PETERS. Well, in that respect I differ with my friend from Massachusetts. There is perhaps no member of the House who has been called upon to do more errand work than myself, and yet I know as a matter of fact many members of the Senate who do an immense amount of this same errand work.

But there is another fact to which I wish to call attention. There are a large number—as was disclosed by testimony submitted before the Committee on Appropriations in framing our bills this year—of employes in the various Departments who have become old and worn out in the service and are really incompetent and unable to perform the duties of full clerks. But yet the Government is brought face to face with the problem whether it will turn out these old people to-day, who spent their lifetime in the service and are not able to support themselves outside in other avocations of life, or continue them on the rolls as now, and allow them to draw their compensation from the Government for such service as they may be able to render.

I have myself been always opposed to civil-service reform and to the civil-service law. I never believed in it. I believe it has done injury to the departmental service; and yet were I in a Department, and if I had occasion to consider the question whether I should turn these old people out or not—turn them out to die or keep them in the service and on the rolls at a salary allowed by this Government—I should certainly say, in all charity, that the Government should maintain them during the rest of their lives, although they may not be able to perform full service. This practice has prevailed in the Departments all the time, has the sanction of age, and yet these old, decrepit, and worn-out employes are counted in the Departments in the aggregate force necessary to carry on the Government.

Mr. HENDERSON, of Iowa. Now, Mr. Speaker, I ask a vote on the adoption of the report.

The report was adopted.

Mr. HENDERSON, of Iowa, moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DEFICIENCY IN MEMBERS' PAY.

Mr. HENDERSON, of Iowa. Mr. Speaker, there is one more matter that I desire to bring up from the Committee on Appropriations. I send to the desk a bill that I want to put on its passage, and while it is going up I will only say in explanation of it that we find there is a deficiency in the pay of members by the unseating of certain members who had drawn their pay up to that time and the seating of the other members who were entitled to their full pay. I hope the bill will pass.

Mr. McMILLIN. Certainly, when you elect men you ought to pay them.

Mr. HENDERSON, of Iowa. I ask that the bill be read.

The Clerk read as follows:

A bill (H. R. 12163) making an appropriation to supply a deficiency in the appropriation for compensation of Members of the House of Representatives and Delegates from the Territories.

Be it enacted, etc., That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to supply a deficiency in the appropriation for compensation and mileage of Members of the House of Representatives and Delegates from the Territories for the fiscal year ending June 30, 1890, the sum of \$10,316.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BRECKINRIDGE. Ought it not to be considered in the Committee of the Whole?

Mr. HENDERSON, of Iowa. I hope the gentleman from Kentucky will not make that point.

Mr. BRECKINRIDGE. It seems to me that is the proper course for us to pursue at this time.

The SPEAKER. The Chair would state that there is a good deal of business on the Speaker's table that might be disposed of.

Mr. HENDERSON, of Iowa. I ask unanimous consent that this be considered in the House.

Mr. BRECKINRIDGE. I understand this is for the purpose of paying the salaries of members elected by the House.

A MEMBER. Ejected by the House.

Mr. CANNON. They have got our money and now we want to get our own.

Mr. BRECKINRIDGE. I am not at all surprised at the statement of the gentleman.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There being no objection, the bill was read a first and second time, ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HENDERSON, of Iowa, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEAVE OF ABSENCE TO POSTAL CLERKS.

The SPEAKER also laid before the House the following House bill with Senate amendments:

A bill (H. R. 10086) granting leaves of absence to clerks and employes in first and second class post-offices.

The amendments of the Senate were read.

The SPEAKER. The question is on concurring in the amendments.

Mr. HOLMAN. Is not that subject to the point that it should have its first consideration in Committee of the Whole? It creates a new class. Originally the House bill only applied to clerks in first and second class post-offices. This applies to others.

The SPEAKER. It does not seem that that comes within the rule.

Mr. HOLMAN. Does it not create a new class of employes?

The SPEAKER. No; it only grants leave of absence; that is all.

Mr. EVANS. It does not require an appropriation.

Mr. HOLMAN. Then I ask leave to offer an amendment to include the employes of third-class post-offices.

The SPEAKER. The gentleman can move to concur with an amendment.

Mr. HOLMAN. I move to concur with that amendment, adding the words "third class;" so that the bill will read:

Granting leaves of absence to clerks in first, second, and third class post-offices.

Mr. BINGHAM. Mr. Speaker—

Mr. HOLMAN. I hope my friend from Pennsylvania [Mr. BINGHAM] will not object to that. I have made some inquiries on the subject since the matter was before the House before, and I think he is doing a great injustice by excluding the employes of third-class post-offices from the provisions of this bill.

I trust gentlemen who have third-class post-offices in their districts will insist upon placing the employes of those post offices on the same footing as the clerks in first and second class post-offices. Take a district such as I have the honor to represent, containing cities of eight or nine thousand inhabitants; there is not a single post-office in the district except third-class post-offices, and every one of those third-class post-offices stands on the same footing with respect to all other matters as first and second class post-offices, except the matter of salaries. The employes of these third-class post-offices are employed at small salaries, and why should they be discriminated against?

Mr. BINGHAM. Mr. Speaker, that whole subject was fully discussed when this bill came from the Committee on Post-Offices and Post-Roads, and I had thought that the gentleman from Indiana [Mr. HOLMAN] was satisfied with the conclusion that the House reached. The average compensation of clerks in third-class post-offices is \$250 a year.

Mr. HOLMAN. That is my argument, that they are paid small salaries, and that they ought not to be discriminated against on that account in the matter of granting them leave of absence.

Mr. BINGHAM. They only perform temporary or intermediate service. They are only employed in the distribution of the mails and in separating offices or are only employed when the mail comes in.

Mr. HOLMAN. My friend is entirely misinformed upon that subject. They are employed right straight along.

Mr. BINGHAM. That is only in the larger offices.

Mr. HOLMAN. At all the third-class post-offices in my district I find that these clerks are employed right straight along. There are some distributing offices where an additional clerk may be employed temporarily, but at every third-class post-office in my Congressional district there is a clerk employed regularly at a small salary. As I have said

heretofore, the very fact that the salary is small is a reason why there should be no discrimination against them.

Mr. BINGHAM. These men never work eight hours a day except in a very few large offices. In the innumerable separating offices and small offices in the country their hours of employment are short, and by a convenient arrangement with the postmaster there is no trouble about letting them off for a few days at any season of the year.

Mr. HOLMAN. That is true of the second class also. There is no argument in favor of the second class that does not apply to the third class.

Mr. BINGHAM. Oh, there is a difference, because the second class—

Mr. HOLMAN. My friend has put them all on the same footing as to rents, lights, and fuel. The third-class offices stand on the same footing in every respect, with the difference, of course, in the salaries; but in every other respect except this they are all on the same footing. Now, because their salaries are low they are deprived of the benefit of this privilege of leave of absence granted to the higher-paid employes.

Mr. BINGHAM. I would suggest to the gentleman that we had better let his proposition go over until the next session. We will then look into the matter critically and fairly, and any arguments that may be desired can be presented before the committee at that time. If we fail to concur in this Senate amendment the bill will not pass at the present session of Congress. The Senate amendment embraces but sixty people. They are the only employes of the Government at Washington who do not get leave of absence. If this amendment is not concurred in at this time the bill will not be reached again during this session.

Mr. HOLMAN. Will my friend allow me one suggestion? He represents a district where there is not a single solitary third-class post-office.

Mr. BINGHAM. I represent the committee, which is composed of members from districts where there are third-class post-offices.

Mr. HOLMAN. My friend represents a district where there is not a single one of these third-class post-offices. Now, many gentlemen around me here represent districts where there are none other than second, third, and fourth class offices; and does not my friend regard it as ungenerous to give to the employes of his district, with other districts in the large cities, this additional benefit of public employment and deprive the great majority of those who are engaged in the second or third class offices of the same privilege?

Mr. BINGHAM. I would say to the gentleman—

Mr. EVANS. I have six such offices in my district, and I am in favor of this bill.

Mr. BINGHAM. Well, I represent a first-class office. I wish to say to the gentleman from Indiana—

Mr. HOLMAN. How many third-class offices does the gentleman from Tennessee say he has in his district?

Mr. EVANS. There are six third-class offices in my district. I have only one first-class office in my district.

Mr. HOLMAN. And you would discriminate against the larger number in favor of the one?

Mr. BINGHAM. As I was endeavoring to say, while I represent a first-class office, the committee consists of fifteen members. This was the best judgment of that committee, and it came from that committee, I think, unanimously. We will take up the consideration of the proposition of the gentleman from Indiana, covering twelve thousand offices, and I would ask the gentleman to withdraw his amendment.

Mr. HOLMAN. Standing by itself, such a bill would not receive a favorable hearing. The committee has always been made up largely of gentlemen representing the larger post-offices; and, while the committee has been one of the best in the House, including the time that the gentleman has presided over it, yet, as I stated, the committee generally represents the higher class of offices.

I hope my friend will allow me to have a vote on my amendment. I suppose it will be voted down. I know such amendments are generally voted down when we have to come in conflict with a committee.

Mr. BINGHAM. I would say to the gentleman that when he talks of the third-class offices he eliminates from his proposition the great body of fourth-class offices; for he must understand this, that the allowance for separating offices pertains as much to a fourth-class office where it is a separating office as it does to a third-class office where it is a separating office.

Mr. HOLMAN. That would only apply to about one in a district; perhaps two or more in the State of Indiana. I speak for the rural people and the rural post-offices, while my friend speaks for the cities.

Mr. BINGHAM. Oh, no; I speak for the committee. I trust the amendment will be voted down. If it is adopted the bill will fail.

The SPEAKER. Does the gentleman from Pennsylvania yield for an amendment?

Mr. BINGHAM. I do not.

Mr. HOLMAN. I had the floor, if the Speaker please. I offered an amendment and it was noted by the Clerk in the usual way, and an amendment can be offered in such a way when the previous question has not been called.

The SPEAKER. The question is upon concurring with the amendment proposed by the gentleman from Indiana.

Mr. BUCKALEW. Mr. Speaker, I desire to ask my colleague—

The SPEAKER. The Clerk has no such amendment as suggested by the gentleman from Indiana. No such amendment has been presented.

Mr. HOLMAN. The amendment I offered was to insert the words "clerks of third class offices" preceding the enumeration of employes. The SPEAKER. The question is on concurring with the amendment of the gentleman from Indiana.

Mr. BUCKALEW. I desire to ask my colleague on the Committee of Post-Offices and Post-Roads for an explanation of the Senate amendment. I understand that applies to employes for a single month, and also to employes by the day. How can you work a proposition such as that contained in the amendment? How can you give leave of absence to men employed day by day and single days without abuse and favoritism growing out of such things if you attempt to apply it to the various public offices in the country?

Surely the chairman of the Committee on Post-Offices and Post-Roads can not have considered the Senate amendment, for if he had given it careful consideration he would hardly care to have such a provision as that put upon the statute-book. The gentleman had better non-concur in the Senate amendment and get a hasty hearing before a committee of conference and strike that out. I can understand why employes of the Government for a whole year in the post-office ought to have a little recreation in the hot months for a short period of time, such as has been extended by former statutes; but to admit this principle and allow it to apply to temporary employes and to employes by the day, giving such men leave of absence, would surely lead to abuse.

Mr. BINGHAM. I can explain to the gentleman fully the matter about which he makes inquiry. To start with, the bill provides that there shall be no leave of absence granted to any one unless where there has been one year's continuous service.

Mr. BUCKALEW. That is the House bill.

Mr. BINGHAM. That is the Senate bill also. The Senate bill simply amends the House bill by including in its provisions leave of absence for the employes of the mail-bag repair shop established in Washington a year ago by an amendment to the General Post-Office appropriation bill. The mail-bags and mail-locks are repaired here at Washington, and an annual appropriation runs in the General Post-Office bill for the maintenance of that division of the service. These people can get no leave of absence unless they have been employed continuously for one year. That is the only branch or division of any Department of the Government where the employes are not allowed leave of absence under the statute, and therefore they have been included in this bill.

Mr. BUCKALEW. Do I understand, then, that this amendment of the Senate is to be read in connection with the bill and is to apply only to persons who have been employed a whole year?

Mr. BINGHAM. Only to those who have been employed a whole year.

The SPEAKER. The question is upon the amendment of the gentleman from Indiana.

The question was taken; and the Speaker declared that the yeas seemed to prevail.

Mr. HOLMAN. I demand a division.

The House divided; and there were—yeas 25, yeas 58.

So the amendment of Mr. HOLMAN was rejected.

The amendment of the Senate was then concurred in.

Mr. BINGHAM moved to reconsider the vote by which the amendment was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MARTHA N. HUDSON.

The SPEAKER laid before the House a resolution from the Senate requesting the return to that body of the bill (S. 3433) granting a pension to Martha N. Hudson.

The SPEAKER. This request grows out of an error in the enrollment of the bill, and without objection the request of the Senate will be complied with.

There was no objection.

BRIDGE ACROSS THE ALTAMAHA.

The SPEAKER also laid before the House a bill (H. R. 10265) to authorize the construction of a bridge across the Altamaha River, with amendments of the Senate thereto, and a request for a committee of conference.

The bill and amendments were read.

Mr. LESTER, of Georgia. Mr. Speaker, I move to concur in the Senate amendments.

The motion was agreed to.

CATLENA LYMAN.

Mr. SAWYER. Mr. Speaker, I desire to present a conference report. The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on

the amendments of the Senate to the bill of the House (H. R. 5206) granting a pension to Catlena Lyman, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows: That the House recede from its disagreement to the Senate amendment and agree to the same.

JOHN G. SAWYER,
EDWARD LANE,
C. E. BELKNAP,
Managers on the part of the House.
PHILETUS SAWYER,
DAVID TURPIE,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

The recommendation on the part of the House conferees is based not only upon numerous precedents, but more especially upon the extraordinary services of the officer, which appear to have been duly recognized by his superior, Admiral Farragut, and the further fact that the pension thereby allowed is not payable out of the general revenues of the Government, but out of the "naval pension fund" raised by the officers and men of the Navy from prizes captured from the country's enemies.

JNO. G. SAWYER,
C. E. BELKNAP,
EDWARD LANE.

The conference report was adopted.

FORT ELLIS RESERVATION, MONTANA.

The SPEAKER also laid before the House a bill (H. R. 8049) to provide for the disposal of the abandoned Fort Ellis military reservation in Montana under the homestead law, and for other purposes, with amendments of the Senate thereto, and a request for a committee of conference.

Mr. HOLMAN. Mr. Speaker, I ask that the original bill be read. The bill was read.

Mr. HOLMAN. I wish to call attention of the gentleman representing Montana [Mr. CARTER] to the fact that while this amendment may be beneficial to the State it is injurious to the actual settlers on those lands, because it deprives them of the benefit of the homestead law.

Mr. CARTER. I will say to the gentleman from Indiana that there is not, nor has there ever been, an actual settler lawfully upon this reservation.

Mr. HOLMAN. I understand that; but I say that this bill would deprive the actual settlers of an opportunity of entering those lands under the homestead law, and, of course, that will raise the price of the lands above the reach of the laboring men of his State. That is my first suggestion. My second is this: It should be observed that the Senate has carefully repealed the provision originally found in the bill, reserving the right to declare forfeiture as against the Northern Pacific corporation. I do not think my friend ought to consent that there shall be a deliberate repeal of that reservation of the right to declare forfeiture of the portion of the Northern Pacific land grant that is affected by the provisions of this bill.

Mr. CARTER. Mr. Speaker, with reference to the observations of my friend from Indiana, I wish to say that the provisions of this bill, as amended by the Senate, are not satisfactory to me. I am exceedingly desirous that these lands shall be thrown open for settlement at the earliest practicable date.

Mr. HOLMAN. Entry is to be suspended for a year, anyhow, under the amendment.

Mr. CARTER. To permit the State to select lands under its school-lands grant. This is not in conformity with the intent of the original bill, which was framed directly in the interests of settlers.

Mr. HOLMAN. There will be a delay of a year, so no time will be lost by sending the bill to a conference now.

Mr. CARTER. Mr. Speaker, I ask that the amendments of the Senate be non-concurred in and a conference committee appointed on the part of the House.

The SPEAKER. Without objection, that order will be made.

There was no objection; and it was ordered accordingly.

REANEY, SON & ARCHBOLD.

The SPEAKER, as the next business on the Speaker's table, laid before the House the following Senate bill (S. 125), corresponding in its provisions with a House bill favorably reported.

Be it enacted, etc., That jurisdiction is hereby conferred upon the Court of Claims to inquire into and determine how much the steam-vessels Wateree, Suwannee, and Shamokin—hulls and machinery—built for the United States by Reaney, Son & Archbold under their contracts with the Navy Department, cost the said contractors over and above the contract prices and allowances for extra work, and to enter judgment in favor of Reaney, Son & Archbold for the same; Provided, That the judgment shall not exceed the sum allowed by the board convened in pursuance of a resolution of the Senate of the United States, dated March 9, 1865, of which Thomas O. Selfridge was the president, the said allowance being set forth in Senate Executive Document No. 13, Thirty-ninth Congress, first session.

SEC. 2. That at the hearing or the trial of any suit so commenced either party, plaintiff or defendant, shall have the right to use before the court any testimony or documents which may be relevant to and competent upon the issues joined between the parties, and that the proceedings, trial, decision, and judgment of the said court shall be had in the same manner as in all other cases before the said Court of Claims, and have the same effect; and that either party, plaintiff or defendant, may appeal from the decision or judgment of the said Court of Claims to the Supreme Court of the United States, in the same manner as now provided for in other cases.

The SPEAKER. The question is on ordering this bill to a third reading.

Mr. HOLMAN. I believe the Chair has ruled that bills of this class are not subject to a point of order as making an expenditure of money. This is one of the class of bills referring naval construction claims to the Court of Claims. It seems to me that it must ultimately involve an appropriation of money.

Mr. THOMAS. There is no appropriation in the bill.

The SPEAKER. This bill is in no wise different, so far as the point of order is concerned, from those which have already been passed.

Mr. THOMAS. It is exactly of the same character.

Mr. HOLMAN. But there may be money paid under the bill.

The bill was ordered to a third reading, read the third time, and passed.

House bill 2455, similar in substance to the Senate bill just passed, was, by unanimous consent, laid on the table.

ASSIGNEES OF JOHN ROACH, DECEASED.

The SPEAKER, as the next business on the Speaker's table, laid before the House the following Senate bill, corresponding in its provisions with a House bill favorably reported:

A bill (S. 270) for the relief of the assignees of John Roach, deceased.

Be it enacted, etc., That jurisdiction is hereby conferred upon the Court of Claims to inquire into and determine how much the steam machinery built for the United States double-enders Peoria by John Roach, deceased, under his contract with the Navy Department, cost the said contractor over and above the contract price and allowances for extra work, and to enter judgment in favor of George W. Quintard and George E. Wood, assignees of said John Roach, for the same: *Provided,* That the judgment shall not exceed the sum allowed by the board convened in pursuance of a resolution of the Senate of the United States dated March 9, 1865, of which Thomas O. Selfridge was the president, the said allowance being set forth in Senate Executive Document No. 18, Thirty-ninth Congress, first session, and stated at the sum of \$91,172.51.

Sec. 2. That at the hearing or on the trial of any suit so commenced either party, plaintiff or defendant, shall have the right to use before the court any testimony or documents which may be relevant to and competent upon the issues joined between the parties; and that the proceedings, trial, decision, and judgment of the said court shall be had in the same manner as in all other cases before the said Court of Claims, and have the same effect; and that either party, plaintiff or defendant, may appeal from the decision or judgment of the said Court of Claims to the Supreme Court of the United States in the same manner as now provided for in other cases.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

House bill 11890, corresponding in its provisions with the Senate bill just passed, was, by unanimous consent, laid on the table.

SUBDIVISION OF COOKE PARK, DISTRICT OF COLUMBIA.

The SPEAKER, as the next business on the Speaker's table, laid before the House the following Senate bill, corresponding in its provisions with a House bill favorably reported:

A bill (S. 4021) to authorize the commissioners of the District of Columbia to annul and cancel the subdivision of part of square 112, known as Cooke Park.

Be it enacted, etc., That the commissioners of the District of Columbia be, and they are hereby, authorized to annul and cancel the subdivision of part of square No. 112, in Georgetown, known as Cooke Park, made by A. M. Bell, September 26, 1885, and recorded in the office of the surveyor of said District in book A. R. 8, page 187: *Provided,* That all the owners whose property in said subdivision abuts on the avenue shown thereon shall petition therefor.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

House bill 10758, corresponding in its provisions with the Senate bill just passed, was by unanimous consent laid on the table.

AMOS L. ALLEN.

The SPEAKER, as the next business on the Speaker's table, laid before the House the following Senate bill, corresponding in its provisions with a House bill favorably reported:

A bill (S. 998) for the relief of Amos L. Allen, survivor of the firm of Larrabee & Allen.

Be it enacted, etc., That jurisdiction is hereby conferred upon the Court of Claims to inquire into and determine how much the hull of the United States double-ender Isoco cost the contractors, Larrabee & Allen, over and above the contract price and allowances for extra work, and to enter judgment in favor of Amos L. Allen, survivor of said firm, for the same: *Provided,* That the judgment shall not exceed the sum allowed by the board convened in pursuance of a resolution of the Senate of the United States, dated March 9, 1865, of which Thomas O. Selfridge was the president, the said allowance being set forth in Senate Executive Document No. 18, Thirty-ninth Congress, first session.

Sec. 2. That at the hearing or on the trial of any suit so commenced, either party, plaintiff or defendant, shall have the right to use before the court any testimony or documents which may be relevant to and competent upon the issues joined between the parties, and that the proceedings, trial, decision, and judgment of the said court shall be had in the same manner as in all other cases before the said Court of Claims, and have the same effect; and that either party, plaintiff or defendant, may appeal from the decision or judgment of the said Court of Claims to the Supreme Court of the United States in the same manner as now provided for in other cases.

Mr. KERR, of Iowa. I make the point of order that no motion has been made or authorized to substitute this for the House bill.

Mr. THOMAS. A House bill exactly like this Senate bill has been reported from the Committee on War Claims and is now on the Calendar.

Mr. KERR, of Iowa. Well, I make the point of order that the gentleman has not been authorized to call this bill up.

The SPEAKER. Has the committee directed that action be asked on this bill?

Mr. THOMAS. The committee has directed me to ask consideration of the bill whenever it might come up from the Speaker's table.

The SPEAKER. The point of order will have to be overruled.

Mr. HOLMAN. Mr. Speaker, permit me to say a word. We might just as well bring in that entire batch of old claims that have been rejected during twenty-five years past and put them all in one bill, as pass these claims bill after bill in this way. The claims in my judgment are not meritorious; and I had an opportunity to examine them when the subject was fresh, when men who knew all about the facts were living. Now, when persons who were familiar with these transactions are dead these bills are passed; and the bills by their very terms contemplate judgments by the Court of Claims against the Government. No court considering the proposition contained in bills of this class—neither the Supreme Court of the United States nor any other court—could misunderstand the fact that the bills are passed with a view to the assessment of damages; and the court would act in defiance of the spirit of the bills if it did not make the allowance demanded by the claimants. I do not expect that any of these measures will be defeated; I take it for granted that they will pass and that they will deplete the Treasury in the early future of large sums of money.

Mr. THOMAS. Mr. Speaker, this bill is similar in its provisions to all the other bills of this class which have already been passed. It proposes simply to submit the facts to the Court of Claims. There is no question that the United States Government is indebted to these parties as found by the naval board; and this bill provides that the finding of the court shall not exceed the finding of the board. These claims ought to have been allowed years and years ago; but, instead of making now a direct appropriation, we provide simply for sending the matter to the court for proof on the part of the claimants, although they have heretofore presented such proof and have been allowed all they asked, all they ought to have, and all they now demand, by the naval board.

Mr. KERR, of Iowa. I understand that all these claims were at one time submitted to a board and have been rejected; and this bill is framed, as I understand, so as to get rid of the objections upon which the claims were ruled out on a former occasion. I do not think that this bill or any bill of this kind ought to pass.

Mr. THOMAS. The bill provides by its terms that the court can not find judgment for a greater amount than that allowed by the Selfridge board.

Mr. DINGLEY. That was \$11,000?

Mr. THOMAS. Eleven thousand dollars.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

House bill No. 12114, corresponding in its provisions with the Senate bill just passed, was by unanimous consent laid on the table.

RANCHO PUNTA DE LA LAGUNA.

The SPEAKER also laid before the House the bill (S. 2212) relative to the Rancho Punta de la Laguna.

The bill was read at length.

Mr. KERR, of Iowa. I make the point of order that this bill requires its first consideration in the Committee of the Whole.

Mr. CASWELL. The same bill has been reported in the House by the Committee on Private Land Claims, and is on the Calendar ready for consideration.

Mr. KERR, of Iowa. Mr. Speaker, the delegation from California assure me that the bill is all right, and in consideration of their statement I withdraw the objection.

Mr. ANDERSON, of Kansas. I would like to have some further explanation than that, Mr. Speaker, before this question is settled.

Mr. McCREARY. I hope some gentleman from California will give a statement as to how this is "all right."

Mr. BRECKINRIDGE. I renew the point of order of the gentleman from Iowa.

Mr. CASWELL. Mr. Speaker, I will make a brief statement of the facts in connection with this bill.

This bill has been before the Committee on Private Land Claims, and on a full investigation they were unanimous in their report in its favor. The facts of the case, simply and briefly stated, are these: That the title to about 5,000 acres of land has utterly failed which the United States had granted to settlers. Subsequently to that the claimant, or the grantee, by virtue of the Spanish grant of 1844, established his claim in all the courts of California, first before the land commission of California and afterwards before the courts, to this very land which the Government had previously sold.

The difficulty grew out of an erroneous survey in the first instance, where two grants had overlapped. By this erroneous survey the Government went on and sold the land of the claimant to the extent of about 5,000 acres. Afterwards he established his claim, as I have said, in all of the courts, and by the corrected survey, made under the direction of the court, the claim was fully and unquestionably established to the land. But the Government had sold this land to various parties and had received pay for it. The lands sold were in Southern California and some of these lands are to-day worth from fifty to a hundred dollars an acre.

Now, the best and only thing that the Government can do to remedy the wrong is to pass this bill and allow the party to locate lands in other parts of California where he can find Government lands. It is eminently just that this should be done, and there is no reason in the

world why the claimant should not have the full benefit of the lands which the California courts have held that he was entitled to.

Mr. VAUX. How did these lands come to be sold, if the Government had no right to dispose of them?

Mr. CASWELL. I have just stated that it was an error in a survey. Afterwards by a survey made under the direction of the court the boundary was found to be 1 mile or more east of the original survey. It is all made perfectly clear in the letters of the Secretary and the report of the committee, which has gone very fully into all the facts.

I will say further, Mr. Speaker, that the Commissioner of the Land Office, by a letter published in a report accompanying the bill, recommends the passage of the bill and says that parties in interest are entitled to relief. I will state also that this bill is so carefully guarded that the Secretary of the Interior may hereafter investigate the facts before permitting this party to locate any lands at all. In fact, it is guarded on all sides. [Cries of "Vote!" "Vote!"]

The SPEAKER. The Chair desires to state to the gentleman from Kentucky, who renewed the point of order made by the gentleman from Iowa, that it seems to the Chair—

Mr. BRECKINRIDGE. I withdraw the point of order. I had the same thing happen to me that happened to the gentleman from Iowa. [Laughter.]

There being no objection, the bill was considered and ordered to a third reading; and being read the third time, was passed.

PENALTIES ON THE GUNBOAT PETREL.

The SPEAKER also laid before the House the bill (S. 2916) to remit the penalties on gunboat No. 2, known as the Petrel.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Navy is hereby authorized and required to remit to the Columbian Iron Works and Dry-Dock Company, of Baltimore City, the time penalties exacted by the Navy Department under contract with said company for the construction of gunboat No. 2, known as the Petrel, the United States having suffered no damage by the delay in the construction, and the said gunboat having been accepted by the Department as satisfactory in every respect.

Mr. HOLMAN. I hope the report will be read or some statement made.

Mr. RUSK. The report is very full.

Mr. MCCREARY. I ask some gentleman familiar with this subject to give us a statement of the facts.

Mr. BOUTELLE. Mr. Speaker, if the gentleman from Maryland [Mr. RUSK], who is familiar with this matter, will permit me to make a suggestion to the gentlemen from Kentucky and Indiana, this report is quite voluminous, because it contains a very extended statement of the contract and the letters of the Secretary of the Navy; so that I think a statement on the part of the gentleman from Maryland can cover the ground in much less time and be equally satisfactory.

Mr. MCCREARY. A statement of the gentleman will be entirely satisfactory to me. I only want to know the reason for remitting these penalties.

Mr. RUSK. Mr. Speaker, the Committee on Naval Affairs have considered this bill carefully and acted upon the suggestions embodied in a letter submitted by the Secretary of the Navy. The company which undertook the contract to build the Petrel accepted one of the conditions of the contract, as is required in similar contracts, that the material employed should be supplied of American manufacture. At that time it was difficult to obtain steel of the quality required, much more difficult than to obtain it now. The letter of the Secretary of the Navy and the accompanying testimony show the condition of affairs in that regard.

The company, however, proceeding with the work, used all due diligence and was ready to deliver the gunboat to the Government before the Government was ready to equip it. The work was thoroughly satisfactory in every particular, but there was a delay in getting the steel of the proper character. Owing to the delay, over which this company had no control, the Secretary of the Navy recommends that he be authorized to remit the penalties, which arose through no fault of the company.

Mr. HOLMAN. What is the amount in dispute—the amount of the penalties?

Mr. RUSK. Fifty-six thousand dollars.

I will state in connection with this that a Government officer, in charge of similar work at the same yard where they were building two more gunboats, informed me that when the Petrel was built it was a matter of almost daily occurrence that steel plates were rejected because of defects. But so great has been the progress in steel manufacture that it is now difficult to find a defective plate. However, the company had its force engaged to do the work; they were kept waiting on expense, and as a consequence of the requirements of the contract to which I have referred, and the rejection of a great many of the plates, they were delayed in getting the boat out. They were compelled to keep their force doing nothing.

Mr. HOLMAN. When were these fines imposed?

Mr. RUSK. A year or two ago. The contract was made in 1886.

Mr. MCCREARY. This grows out of the building of the Petrel, I believe?

Mr. RUSK. Yes, sir.

Mr. MCCREARY. How long since the Petrel was built?

Mr. RUSK. Within the last year, and it is now in commission, accepted by the Government, and perfectly satisfactory in every respect.

Mr. BUCHANAN, of New Jersey. It is impossible to hear a word that the gentleman has said. I would like the chairman of the Naval Committee to make a short statement.

Mr. BOUTELLE. The gentleman from Maryland [Mr. RUSK] has already done that.

Mr. BUCHANAN, of New Jersey. But he was not heard 15 feet away.

Mr. BOUTELLE. I will state for the benefit of this side of the House—

Mr. BUCHANAN, of New Jersey. What are the reasons for remitting this penalty?

Mr. BOUTELLE. Under a contract made for the construction of this gunboat there was a penalty for every day's delay in the completion after a certain time. The delay occurred, and under the contract the Department was compelled to impose the penalties, which they have done in the settlement now pending, which is not finally made. But the contractors claim, and the Secretary of the Navy states, that this delay was caused by the fact that the contractors were unable to obtain the steel that would meet the tests required by the Government, owing to the inability of our steel manufactories at that time to produce the material necessary to meet these tests. We were not then in the same condition that we are now. Our steel-works were not in that condition of forwardness. The requirement was that this material should be of domestic manufacture, and the delay was due to their inability to get the material required at that time, and not due to any fault of the contractors themselves.

Mr. MCCOMAS. One thing further. The Committee on Appropriations would have allowed this very claim in the last Congress, and wanted to allow it, except for the want of legal authority; it was so plain and so equitable in every respect. [Cries of "Vote!" "Vote!"]

The bill was ordered to a third reading; and was accordingly read the third time, and passed.

Mr. RUSK moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

The House bill of similar import was ordered to lie on the table.

EVENING SESSION OF THE HOUSE.

Mr. PERKINS. I ask unanimous consent that at 5 o'clock to-day the House take a recess until 8 o'clock, the evening session to continue from 8 o'clock not later than half past 10, and to be for the consideration of Senate and House bills reported from the Committee on Indian Affairs to which there is no objection.

Mr. FLOWER. Why not consider all Senate and House bills on the Speaker's table not objected to?

Mr. FARQUHAR. Oh, no; give the Committee on Indian Affairs an evening.

The SPEAKER. The gentleman from Kansas [Mr. PERKINS] asks unanimous consent that at 5 o'clock to-day the House take an intermission until 8 o'clock p. m., the evening session to continue not later than half past 10, and to be for the consideration of Senate and House bills reported by the Committee on Indian Affairs to which there shall be no objection. Is there objection to the request? [After a pause.] The Chair hears none.

Mr. BOUTELLE. I desire to ask unanimous consent that on Tuesday evening we may be permitted the same kind of a session to consider measures reported from the Committee on Naval Affairs to which there shall be no objection. There are quite a number of small matters which ought to be considered.

Mr. BRECKINRIDGE. The objection is that we have already passed a concurrent resolution for adjournment to-morrow at 2 o'clock.

Mr. HENDERSON, of Iowa. Provided that we do not adjourn.

Mr. BOUTELLE. I make the request conditional, of course, upon the fact that we do not adjourn before that time.

Mr. FRANK. The request had better be made to-morrow.

Mr. HEARD. Let it go over until to-morrow.

Mr. McMILLIN. Mr. Speaker, a parliamentary inquiry. The House has already passed a concurrent resolution for adjournment to-morrow at 2 o'clock. What effect would this have upon that resolution? It is adverse action on the part of the House.

Mr. FARQUHAR. It amounts to a reconsideration of the resolution.

Mr. HENDERSON, of Iowa. If the Senate concurs in the House resolution, we will adjourn.

Mr. BOUTELLE. But in case the House should not adjourn—

Mr. McMILLIN. There is no question as to what the effect would be if the House is still in session.

Mr. BOUTELLE. I make it conditional upon that.

The SPEAKER. The gentleman from Maine [Mr. BOUTELLE] asks unanimous consent that on to-morrow the House, at 5 o'clock, take a recess until 8 o'clock p. m., the evening session to continue not later than 10.30 p. m., and to be devoted to the consideration of measures reported from the Committee on Naval Affairs to which there shall be

no objection, and the request being conditional upon the House not adjourning before that time.

Mr. McMILLIN. I wish we could have these things done in open day sessions.

Mr. BOUTELLE. Our committee have taken but little of the time of the House.

Mr. KERR, of Iowa. I object, Mr. Speaker.

Mr. BOUTELLE. I think the gentleman from Iowa will withdraw his objection. The Committee on Naval Affairs have taken but very little time.

Mr. CUTCHEON. I present the following privileged report—

Mr. BOUTELLE. Will not the gentleman withhold it long enough to have a settlement of this matter?

Mr. CUTCHEON. I will withhold it if the gentleman desires.

Mr. BOUTELLE. I ask the Speaker to put the question over again.

The SPEAKER. Does the gentleman from Iowa withdraw his objection?

Mr. KERR, of Iowa. I think if we consented now to an evening session to-morrow it would be equivalent to authorizing the Senate to pay no attention to our concurrent resolution.

Mr. BOUTELLE. Does the gentleman object to the request as modified?

Mr. KERR, of Iowa. I insist on my objection. [Cries of "Regular order!"]

EXAMINATION OF ARMY OFFICERS.

Mr. CUTCHEON. Then, Mr. Speaker, I present a report of the committee of conference on the disagreeing votes of the two Houses on the bill (S. 3716) to provide for the examination of certain officers in the Army, and to regulate promotions therein.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3716) to provide for the examination of certain officers of the Army, and to regulate promotions therein, having met, a full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows: Strike out from the text of the bill all after the words "and provided further," in line 22 of page 3, and in lieu thereof insert:

"That the examination of officers appointed in the Army from civil life, or of officers who were officers of volunteers only, or were officers of the militia of the several States called into the service of the United States, or were enlisted men in the regular or volunteer service, either in the Army, Navy, or Marine Corps, during the war of the rebellion, shall be conducted by boards composed entirely of officers who were appointed from civil life, or of officers who were officers of volunteers only during said war, and such examination shall relate to fitness for practical service, and not to technical and scientific knowledge; and in case of failure of any such officer on the re-examination hereinbefore provided for, he shall be placed upon the retired list of the Army; and no act now in force shall be so construed as to limit or restrict the retirement of officers as herein provided for."

That the House agree to the bill as amended.

B. M. CUTCHEON,
E. S. OSBORNE,
JOHN WHEELER,
Managers on the part of the House.
JOS. R. HAWLEY,
CHARLES F. MANDERSON,
F. M. COCKRELL,
Managers on the part of the Senate.

The statement of the House conferees is as follows:

Statement of House conferees on Senate bill 3716, to provide for the examination of certain officers of the Army, and to regulate promotions therein.

The conferees on the part of the House on said bill submit the following statement of the effect of the conference report:

The House amendment to the Senate bill provided that officers of the Army who had war service as officers or enlisted men in the war of the rebellion should "not be included within the provisions of this act or be affected thereby."

The House conferees recommend that the House recede from their amendment, and that in lieu thereof a provision be inserted providing that those officers who had war service as officers or enlisted men of volunteers only shall be examined by a board composed of officers who were during the war officers of volunteers only, and that such examination shall relate to their fitness for the practical performance of their duties, rather than to technical and scientific knowledge. The object of the amendment is to protect those who have not had a military education from unjust discriminations.

B. M. CUTCHEON,
E. S. OSBORNE,
JOHN WHEELER,
Conferees on the part of the House.

The report of the committee of conference was adopted.

CHARLES P. CHOUTEAU.

The SPEAKER also laid before the House the bill (S. 1857) for the relief of Charles P. Chouteau, survivor of Chouteau, Harrison and Valle.

The bill was read at length for information.

Mr. KERR, of Iowa. Mr. Speaker, I make the same point of order against that that I made against the other bill—that there has been no motion to substitute this for the House bill authorized by the committee.

The SPEAKER. The chairman of the Committee on War Claims is present, and can make a statement in regard to that.

Mr. THOMAS. I will state, Mr. Speaker, as I understand, the gentleman from Kentucky [Mr. STONE], who was present a moment ago, reported a similar bill from the Committee on War Claims unanimously.

The SPEAKER. Did the committee authorize taking this up?

Mr. THOMAS. I understand so, but I am not positive.

Mr. KERR, of Iowa. I think that that formality has a very great deal of substance in it. It is necessary that it should be done to guaranty that there has been an investigation of the bill so as to ascertain that they are identical. I make the point of order.

The SPEAKER. The Chair desires to say that he is informed that the bill was held at the request of the gentleman from Kentucky [Mr. STONE], who stated that the requisites had been complied with.

Mr. CANNON. Yes; but, Mr. Speaker—

The SPEAKER. The Chair thinks the point is properly made, and unless the gentleman is here to make the statement it will have to be sustained. The Chair only states this so that the action at the Clerk's desk may be understood.

Mr. CANNON. I think that the best evidence of the action of the committee is its minutes.

The SPEAKER. It has not been the custom of the House to require anything but the statement of a member of the committee.

Mr. KERR, of Iowa. I will assume that is the chairman—

Mr. BRECKINRIDGE. I ask that the bill be permitted to remain on the Speaker's table without prejudice.

Mr. CANNON. I think it might just as well go to the committee.

Mr. FRANK. There is no use discriminating against this bill. There have been ten bills of a similar character passed this morning, and I ask that it be allowed to remain on the Speaker's table until the gentleman who reported it shall be present.

There was no objection, and it was so ordered.

GEORGE W. LAWRENCE.

The SPEAKER also laid before the House the bill (S. 3269) for the relief of the administratrix of the estate of George W. Lawrence.

Mr. KERR, of Iowa. I make the same point in reference to this bill.

The SPEAKER. The chairman of the Committee on War Claims will please give his attention.

Mr. THOMAS. What is the title of the bill?

The title of the bill was again reported.

Mr. THOMAS. That is all right. That was ordered to be called up by the committee.

The SPEAKER. The Clerk will read the bill.

The bill was read, as follows:

Be it enacted, etc., That the claims of George W. Lawrence for further compensation for the construction of the United States monitor Wasson may be submitted by said claimant within six months after the passage of this act to the Court of Claims, under and in compliance with the rules and regulations of said court; and said court shall have jurisdiction to hear and determine and render judgment upon the same: *Provided, however,* That the investigation of said claim shall be made upon the following basis: The said court shall ascertain the additional cost which was necessarily incurred by the contractor for the construction of the United States vessel Wauson in the completion of the same, by reason of any changes or alterations in the plans and specifications required, and delays in the prosecution of the work: *Provided,* That such additional cost in completing the same, and such changes or alterations in the plans and specifications required, and delays in the prosecution of the work, were occasioned by the Government of the United States; but no allowance for any advance in the price of labor or material shall be considered unless such advance occurred during the prolonged term for completing the work rendered necessary by delay resulting from the action of the Government aforesaid, and then only when such advance could not have been avoided by the exercise of ordinary prudence and diligence on the part of the contractor: *And provided further,* That the compensation fixed by the contractor and the Government for specific alterations in advance of such alterations shall be conclusive as to the compensation to be made therefor: *Provided,* That such alterations when made complied with the specifications of the same as furnished by the Government aforesaid: *And provided further,* That all moneys paid to said contractor by the Government over and above the original contract price for building said vessel shall be deducted from any amounts allowed by said court by reason of the matters hereinbefore stated: *And provided further,* That if any such changes caused less work and expense to the contractor than the original plan and specifications a corresponding deduction shall be made from the contract price, and the amount thereof be deducted from any allowance which may be made by said court to said claimant.

Mr. BRECKINRIDGE. I think there ought to be some sort of an explanation with reference to this bill.

Mr. HOLMAN. I hope that the report will be read.

Mr. THOMAS. Mr. Speaker, this is a case exactly similar to the McKay and other cases.

Mr. BRECKINRIDGE. None of which ought to have been passed.

Mr. THOMAS. Well, there is no appropriation.

Mr. BRECKINRIDGE. Yes; there is.

Mr. THOMAS. The Selfridge board in this case allowed the amount, after a thorough investigation, and the gentlemen who have always been opposed to these claims have said where the Selfridge board allowed an amount they are willing to vote for the payment; but, instead of doing that, this bill provides that the claim shall go to the court, and they shall prove their damages outside of what was done by the Selfridge board.

Mr. BRECKINRIDGE. When was this labor done?

Mr. THOMAS. It was done between 1862, 1864, and 1865. The great trouble is this: The Government entered into contracts with these parties, and then as soon as they commenced the building of the vessels ordered a reconstruction of the vessels, tore them down, and provided for a different class or kind. It is something like ordering a man who originally entered into a contract to build a house, after having gotten him into the contract, to compel him to build this Capitol. In the

mean time, after stopping the work and making the delay, iron rose from \$60 and \$70 to \$200 a ton. Men were difficult to obtain, because they were required in the war, and while these parties were engaged in building this number of vessels the wages increased from \$2.50 to \$5 and \$6 a day, and with all these troubles and difficulties these men went forward and completed the contract.

They submitted their claim to a board organized by the Secretary of War, under a resolution of the Senate, the Selridge board, and that board allowed the amount of damage these parties had suffered. In many cases the contract price would not pay for the materials used, to say nothing about the labor or any profit that the contractor might have hoped to make.

Mr. HOLMAN. How much was allowed in this case?

Mr. THOMAS. I do not remember exactly. The gentleman from Maine [Mr. DINGLEY] can probably tell.

Mr. DINGLEY. I do not remember the amount. This is precisely such a case as about half a dozen others that have been already passed.

Mr. BRECKINRIDGE. It is precisely because there have been half a dozen others passed that ought not to have passed that I am disposed to object to any further progress in that direction. The gentleman from Wisconsin [Mr. THOMAS] says there is no appropriation in this bill. Of course there is substantially an appropriation. This is simply a note on time. We give a note, payable in the next Congress, after the Court of Claims shall have taken the matter off our consciences and put it into the shape of a fine.

Mr. DINGLEY. Not at all.

Mr. BRECKINRIDGE. And the bill is so drawn that the court is bound to find for the claimant.

Mr. DINGLEY. This whole question was thoroughly discussed in the House about a month ago, on the first of these bills that came up, and the House, after thorough discussion, decided that these claims should go to the Court of Claims under the conditions prescribed. This is the last of that class of bills. The contractor is dead, and his widow, the executrix of his estate, presents this claim, and it certainly would be very unjust after several similar cases have been sent to the court to refuse to deal in like manner with this one, which is the last.

Mr. BRECKINRIDGE. I have never known any of these cases that did not have some exceptionally hard feature which made it very ungracious for anybody to refuse to do what the claimant wanted to have done. [Laughter.] The claimant was either a widow or an orphan or he was a wounded man or a poor man who had been kept for years. There was always some pathetic, sorrowful, incident connected with the case to make it go through; just as they put a feather on an arrow to make it go straight. The substantial fact is that after twenty-eight years we are here reopening the contracts of the war period under a claim that no appropriations are contained in these bills that we are passing. We send the claimants to the Court of Claims, where they are sure to get judgment; because every one of these bills is carefully drawn by some astute and careful lawyer, or perhaps by some gentleman who, besides being an astute and careful lawyer, has had the advantage of the additional training of long service here.

Mr. DINGLEY. I did not draw this bill. [Laughter.]

Mr. BRECKINRIDGE. The gentleman recognized the description. [Laughter.] The House did, I know. These bills, I say, are drawn in such a way that the Court of Claims is bound to render judgment against the Government.

Mr. HOLMAN. I wish to say to my friend from Maine [Mr. DINGLEY] that all these cases do not necessarily stand on the same footing; some were before one board and some were before both boards. Now, cases that were rejected by either of those boards certainly ought not to have the benefit of such legislation as this.

Mr. DINGLEY. This case was before the Selridge board, which found the amount due.

Mr. HOLMAN. Can the gentleman state how it happened that they did not go before the board organized afterwards?

Mr. DINGLEY. Oh, a bill to pay this amount directly has already passed either the Senate or the House several times, but it never passed both Houses at the same session.

Mr. HOLMAN. Does my friend know whether this claimant, Mr. Lawrence, went before the subsequent board of review?

Mr. DINGLEY. I do not know. He is dead and his widow brings this claim.

Mr. BRECKINRIDGE. How much money is involved?

Mr. DINGLEY. I can not state the amount.

Mr. BRECKINRIDGE. Can the chairman of the Committee on War Claims [Mr. THOMAS] give the House some idea of the amount that is involved in this claim?

Mr. THOMAS. Not expecting the bill to come up, I have not examined this case lately, but my recollection is that the Selridge board allowed about \$20,000 or \$22,000. I can ascertain accurately if the gentleman desires.

Mr. BRECKINRIDGE. And this bill is drawn in such a way as to enable the claimant to get more than the Selridge board allowed?

Mr. THOMAS. No; this bill provides that no greater sum shall be allowed than was allowed by the Selridge board.

A MEMBER. Has this case ever been before the Court of Claims?

Mr. THOMAS. It never has been before the Court of Claims. This claim is all right.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

The House bill of like purport was laid on the table.

DIMINISHED RESERVE LANDS, KANSAS.

The SPEAKER also laid before the House the bill (S. 4221) to confirm certain sales of the Kansas trust and diminished reserve lands in the State of Kansas.

The bill was read, as follows:

Whereas by acts of Congress of June 23, 1874 (18 United States Statutes, 272), July 5, 1876 (19 United States Statutes, 74), and March 16, 1890 (21 United States Statutes, 68), provision was made for the sale of the Kansas trust and diminished reserve lands in the State of Kansas, and it appearing that a number of sales made thereunder are suspended in the General Land Office for the reason that the purchasers, through ignorance of the law, failed to settle upon the land as required thereby: Therefore,

Be it enacted, etc., That all entries made under the provisions of said acts in which the law has been in other respects complied with, and the purchase money paid, shall be, and the same are hereby, confirmed, and patent shall issue thereon, as in other cases, notwithstanding such failure of the purchasers to become actual settlers on the land.

Mr. HOLMAN. Mr. Speaker, I ask to have the House bill read.

Mr. KELLEY. The two bills are exactly the same, word for word.

Mr. HOLMAN. Then I ask that the Senate bill be again read.

The Clerk again read the bill.

Mr. HOLMAN. Mr. Speaker, I hardly think that is a proper measure to pass.

Mr. BRECKINRIDGE. I rise to a question of order. I desire to know whether the committee have ordered that bill to be brought up.

Mr. KELLEY. By unanimous consent the House allowed the House bill to be called up the other day, but on account of some objection to considering it until it was explained, it was laid over; therefore, the bill is on the Speaker's table by the action of the House as well as by the action of the Senate.

Mr. HOLMAN. That would not affect the point of order.

Mr. BRECKINRIDGE. But under the rule a bill of this kind must be brought up by direction of the appropriate committee.

The SPEAKER. It must be by direction of the committee; but the House can, by unanimous consent, leave the bill on the Speaker's table.

Mr. BRECKINRIDGE. But that leaves the bill exactly as it was when the gentleman from Kansas asked to have it considered.

The SPEAKER. The Chair knows nothing about the bill except that he found it on the Speaker's table. Will the gentleman from Kansas be good enough to state the circumstances?

Mr. KELLEY. The circumstances by which the bill comes to be on the Speaker's table?

The SPEAKER. Yes, sir.

Mr. KELLEY. I asked unanimous consent to have it considered on a former occasion, and the bill was read. The gentleman from Kentucky [Mr. BRECKINRIDGE] and the gentleman from Tennessee [Mr. McMILLIN], I believe, objected to the consideration of the bill until they had an explanation of the facts and circumstances connected with the matter, and they consented that the measure lie over on the Speaker's table until further explanation could be given.

Mr. BRECKINRIDGE. That, however, would not change the status of the bill. The gentleman asked unanimous consent to have the bill considered and consent was not given.

The SPEAKER. The Chair is unable to state what was the exact understanding of members about it.

Mr. HOLMAN. There was no understanding except that the bill should remain on the Speaker's table until further inquiry could be made into the subject. I have had no opportunity of inquiring into the circumstances under which the measure passed the Committee on Public Lands.

Mr. KELLEY. I would like to state what I understand to be the whole circumstances connected with this bill. The beneficiaries, if they can be called beneficiaries, are neighbors of mine living on lands adjoining this Indian reservation. By the action of the Commissioner of the General Land Office and of the local land officers at Topeka they were allowed to pay for these lands and did pay for them; they did not, however, live on them. When the lands were reported by the local officers to the Commissioner of the General Land Office he found that there had been a technical error. But there were no adverse claims to any of these lands, as I know of my own knowledge and as the Secretary of the Interior in his report states. For that reason he says that he sees no objection whatever to the passage of the bill. In fact the bill was drawn in the office of the Secretary of the Interior, and both he and the Commissioner of the General Land Office recommend that it be passed, or at least say that they see no reason why it should not pass.

Mr. PERKINS. I wish to suggest further that under the bill these settlers are to pay the same for these lands that they would have paid had they resided on them. The only difficulty, as my colleague [Mr. KELLEY] has stated, is that they did not reside on the land the length of time required to entitle them in the usual course of business to secure a title.

Mr. BRECKINRIDGE. As I understand the explanation of the gentleman from Kansas, they never did reside on the lands at all.

Mr. KELLEY. No; they never resided on the lands, but they resided on adjoining land.

Mr. BRECKINRIDGE. They resided on some land; and they wanted more land than the law allowed them at that particular price, so they went over upon the land contiguous, which was contrary to law, and now they want a special act to validate their invalid proceeding.

Mr. KELLEY. But the local land officers at Topeka, misapprehending the proper construction of the law, allowed them to prove up on his land and to pay for it without residing on it.

Mr. PERKINS. And they improved it.

Mr. KELLEY. And there is no adverse claim to a single acre.

Mr. BRECKINRIDGE. We, representing the United States, are the adverse claimants. The question, as I understand, is whether these men, by collusion, either innocently or otherwise, with the local land officers, shall obtain, at the Government price, lands to which they are not entitled. That is the whole question.

Mr. KELLEY. But the gentleman should remember they have paid for the land and improved it, and that there is no adverse claim.

Mr. HOLMAN. But the proceeding which this bill proposes to legalize is contrary to the spirit of the law. That is the point. The purpose of the law is to secure these lands to actual settlers; the result of this measure is that men living in the neighborhood, remaining on their own arms, are treated as if they had actually entered and resided upon this land.

Mr. KELLEY. The local officers construed the law as allowing them to prove up on the land and pay for it, which they did. It was really the fault of the local land officers at Topeka that the mistake was made, because these men might just as well have resided on the land at the time.

Mr. BRECKINRIDGE. In other words, if the local land officers had not told them that they could violate the law with impunity, they could have "beaten the devil round the bush" by simply moving across on to these lands.

Mr. KELLEY. The local land officers actually told them that there was no violation of the law; that they had the right under the law to do as they did; that if they owned the adjoining land they could take, in addition, a part of this reservation, prove up on it, and pay for it.

Mr. BRECKINRIDGE. How much land was "grabbed in" by this proceeding?

Mr. KELLEY. There are not over twenty settlers interested in this bill. They live around the reservation.

Mr. BRECKINRIDGE. How many acres did they undertake to acquire in this way?

Mr. KELLEY. I presume from 80 to 160 acres each.

Mr. PERKINS. Not exceeding 160 acres in any case. And they paid for the land.

Mr. BRECKINRIDGE. Well, I withdraw the point of order.

Mr. KELLEY. I am much obliged to the gentleman.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

House bill 11406, corresponding in its provisions with the Senate bill just passed, was, by unanimous consent, laid on the table.

JEANNETTE ARCTIC EXPEDITION.

The SPEAKER also laid before the House the bill (S. 723) in recognition of the merits and services, of Chief Engineer George Wallace Melville, United States Navy, and of the other officers and men of the Jeannette Arctic expedition.

The bill was read at length.

The bill was considered and ordered to a third reading; and being read the third time, was passed.

The bill (H. R. 3539) of the same character was laid on the table.

SIOUX CITY AND PACIFIC RAILROAD COMPANY.

The SPEAKER also laid before the House the bill (S. 4175) authorizing the Secretary to settle the indebtedness to the Government of the Sioux City and Pacific Railroad Company.

The bill was read at length.

Mr. HOLMAN. I believe this bill is subjected to the point of order that it should have its first consideration in Committee of the Whole House on the state of the Union.

The SPEAKER. Does the bill carry an appropriation of land or money?

Mr. DALZELL. No, sir.

Mr. ANDERSON, of Kansas. But it affects the indebtedness of this company to the Government.

Mr. HOLMAN. It involves the surrender of a claim of the United States, and that brings it within the spirit of the rule.

I make the further point of order that there is no motion for its consideration authorized by a committee.

Mr. DALZELL. The gentleman is mistaken in that.

Mr. BRECKINRIDGE. Is not this the same bill that at one time was submitted to the House on suspension day?

Mr. DALZELL. Yea, sir.

Mr. HOLMAN. And was defeated.

Mr. DALZELL. On that occasion.

Mr. BRECKINRIDGE. I believe it did not get as many votes in the affirmative as in the negative.

Mr. DALZELL. The gentleman is correct.

Mr. HOLMAN. I believe the point of order was not raised when it was then before the House.

Mr. BRECKINRIDGE. Because it came up under a suspension of the rules.

Mr. HOLMAN. That is true.

This bill, Mr. Speaker, surrenders or contemplates the surrender of public property to a railroad corporation.

Mr. BRECKINRIDGE. I make the further point of order, or rather I make the parliamentary inquiry, whether the committee in charge of the bill has formally ordered this motion to be made.

Mr. HOLMAN. This is a Senate bill.

Mr. DALZELL. And it was kept on the Speaker's table by authority of the committee.

Mr. BRECKINRIDGE. And the motion is made by authority of the committee?

Mr. DALZELL. Yes, sir.

Mr. HOLMAN. I will tell the gentleman that it will require a full quorum to pass the bill.

Mr. DALZELL. Well, that is further along; we have not reached that yet.

Mr. ANDERSON, of Kansas. And I give notice that it will require a quorum to do anything except to lay it aside.

Mr. CANNON. Oh, well, we might as well put the day in at that as anything else.

Mr. TAYLOR, of Illinois. I give notice that if that point is made on this bill no other bill will pass.

Mr. HOLMAN. I insist on the point of order.

The SPEAKER. The gentleman will state the point of order again.

Mr. HOLMAN. My point of order is that authority is given to the Secretary of the Treasury to release this railroad corporation from the payment of certain indebtedness due to the United States; that it is a release without payment of any sum except a mere nominal amount. This involves, I believe, about \$6,000,000.

Mr. DALZELL. Not this bill; not half of it.

Mr. HOLMAN. The gentleman is correct; somewhere in the neighborhood of \$2,000,000, I believe.

Mr. PERKINS. I suggest that the point of order has been substantially disposed of by the Speaker on other bills of like character; for instance, bills referring claims to the Court of Claims. The Speaker held that they were not subject to the point of order. This bill does not carry an appropriation. It does not appropriate the lands of the United States, but authorizes the Secretary of the Treasury to make a settlement with this company.

The SPEAKER. The Chair thinks that this bill is clearly within the rulings which have obtained in the House for the last six or seven years, and that it is properly before the House.

Mr. HOLMAN. Then I move its reference to the Committee on the Pacific Railroads.

Mr. PERKINS. The committee has already considered it.

Mr. DALZELL. And this is identical with the bill reported by the committee.

Mr. TRACEY. And beaten in the House.

The question was taken on the motion of Mr. HOLMAN; and on a division there were—ayes 38, noes 37.

Mr. PERKINS. Tellers, Mr. Speaker.

Tellers were ordered.

The SPEAKER appointed Mr. HOLMAN and Mr. DALZELL as tellers. The House again divided.

Before the announcement of the vote,

Mr. PERKINS said: I understand from some gentlemen who think this bill is one of doubtful propriety that they will insist on a quorum for its consideration, and in view of the fact that there is no quorum in the Hall at the present time, I ask unanimous consent to withdraw the bill from consideration, with permission to remain on the Speaker's table.

Mr. HOLMAN. Oh, no; that can not be done.

The SPEAKER. Objection is made.

Mr. BRECKINRIDGE. Inasmuch as the House seems to have got into a difficulty over this matter, I move that the House do now adjourn.

The SPEAKER. The House is now dividing.

Mr. LIND. I would like to ask the gentlemen from Kansas [Mr. PERKINS] if we can not have this bill referred to the committee by unanimous consent.

Mr. PERKINS. The committee have considered the same bill.

Mr. LIND. But that will dispose of it from a parliamentary standpoint.

Mr. PERKINS. What is the use of that, as long as the committee has considered and reported a precisely identical bill? Why not let it remain on the Speaker's table?

Mr. LIND. I do not think this bill ought to be considered at this stage in the session.

Mr. PERKINS. My request is that the further consideration be dispensed with and that the bill remain upon the Speaker's table.

Mr. LIND. With the understanding that it is not to be called up again during this session.

Mr. DALZELL. If the point of no quorum is made as has been suggested, the bill will remain upon the Speaker's table.

Mr. HOLMAN. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. CANNON. Pending that, as it is evident that we are to do nothing more to-day if this is insisted upon, I move that the House do now adjourn.

Mr. HEARD. I ask the gentleman to withdraw that motion.

The motion to adjourn was disagreed to.

The SPEAKER. The yeas and nays are ordered. The Clerk will call the roll.

A MEMBER. What is the pending motion?

The SPEAKER. To refer to the committee.

Pending the roll-call,

Mr. DALZELL. I ask unanimous consent of the House to let the bill be referred to the committee.

Several MEMBERS. That is right.

Mr. PERKINS. And to dispense with the roll-call.

Mr. HOLMAN. I do not object, with the understanding that there is to be a motion made to reconsider and lay on the table. I do not wish to leave this bill where it will be called up again during this session.

The SPEAKER. What is the request of the gentleman from Indiana?

Mr. HOLMAN. That there shall be a motion to reconsider and lay on the table.

The SPEAKER. There is no necessity for that.

Mr. HOLMAN. I do not wish a motion to be entered to reconsider hereafter. I wish the matter disposed of.

The SPEAKER. It is not necessary under the rule; but, if the gentleman desires it, of course it can be done.

Mr. HOLMAN. If the Chair holds that it is not necessary in order to dispose of the matter, then I do not insist upon it.

TRANSFER OF THE WEATHER BUREAU.

Mr. CUTCHEON. Mr. Speaker, I present a privileged report. It is the report of the committee of conference upon the act to increase the efficiency and to reduce the expenses of the Signal Corps of the Army and to transfer the weather service to the Department of Agriculture.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1454) to increase the efficiency and reduce the expenses of the signal Corps of the Army and to transfer the weather service to the Department of Agriculture, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment to the bill of the Senate (S. 1454), and agree to the same with the following amendment:

In line 1, page 1 of the Senate bill, before the word "duties," insert the word "civilian;" and the Senate agree to the same.

In line 2, page 1 of the Senate bill, after the word "shall," insert the word "hereafter;" and the Senate agree to the same.

In line 2, page 1 of the Senate bill, after the word "upon," strike out "two bureaus, one" and insert in lieu thereof the words "a bureau;" and the Senate agree to the same.

In line 4, page 1 of the Senate bill strike out the word "transferred" and insert in lieu thereof the words "established in and attached;" and the Senate agree to the same.

In line 4, page 1 of the Senate bill, after the word "and," strike out the words "the other to be known as;" and the Senate agree to the same.

In line 5, page 1 of the Senate bill, after the word "Army," strike out the words "to remain in the War Department" and insert in lieu thereof the words "shall remain a part of the military establishment;" and the Senate agree to the same.

In line 6, page 1 of the Senate bill, after the word "War," insert the words "and all estimates for its support shall be included with other estimates for the support of the military establishment;" and the Senate agree to the same.

In line 7, page 1, section 2 of the Senate bill, after the word "the," strike out the words "Signal Corps shall, as at present, form a part of the Army and the;" and the Senate agree to the same.

In line 9, page 1, section 2 of the Senate bill, after the word "duties," insert the words "and of;" and the Senate agree to the same.

In line 10, page 1, section 2 of the Senate bill, after the word "including," insert the words "telegraph and;" and the Senate agree to the same.

In line 10, page 1, section 2 of the Senate bill, strike out the word "absolutely" and insert in lieu thereof the word "the;" and the Senate agree to the same.

In line 11, page 1, section 2 of the Senate bill, after the word "ranges," insert the words "and other military uses;" and the Senate agree to the same.

In line 13, page 1, section 2 of the Senate bill, after the word "collecting," strike out the word "information;" and the Senate agree to the same.

In line 13, page 1, section 2 of the Senate bill, after the word "transmitting," strike out the word "it" and insert in lieu thereof the word "information;" and the Senate agree to the same.

In line 14, page 1, section 2 of the Senate bill, after the word "otherwise," strike out the words "which duty" and insert in lieu thereof the words "and all other duties usually pertaining to military signaling; and the operations of said corps;" and the Senate agree to the same.

In line 27, page 1, section 3 of the Senate bill, after the word "established," insert the words "and record;" and the Senate agree to the same.

In line 3, page 2, section 4 of the Senate bill, after the word "Chief," insert the words "of weather bureau;" and the Senate agree to the same.

In line 11, page 2, section 4 of the Senate bill, after the words "expert in the," strike out the words "preparation of weather forecasts, may temporarily, pending the training of a sufficient number of civilian experts for forecasting;" and

insert in lieu thereof the words "duties of the weather service may;" and the Senate agree to the same.

In line 16, page 2, section 5 of the Senate bill, after the words "shall be," insert the word "honorably;" and the Senate agree to the same.

In line 20, page 2, section 5 of the Senate bill, after the word "shall," insert the words "if they so elect;" and the Senate agree to the same.

In line 21, page 2, section 5 of the Senate bill, after the words "continue as," insert the words "it shall be in the Signal Service;" and the Senate agree to the same.

In line 23, page 2, section 5 of the Senate bill, after the word "observers," strike out the word "now;" and the Senate agree to the same.

In line 24, page 2, section 5 of the Senate bill, after the word "service," insert the words "at said date;" and the Senate agree to the same.

In line 4, page 3, section 6 of the Senate bill, after the word "performed," insert the words "long and;" and the Senate agree to the same.

In line 5, page 3, section 6 of the Senate bill, after the word "board," strike out the words "of officers;" and the Senate agree to the same.

In line 6, page 3, section 6 of the Senate bill, after the word "war," strike out the word "has" and insert in lieu thereof the words "shall have;" and the Senate agree to the same.

In line 19, page 3, section 7 of the Senate bill, after the words "which are," insert the word "hereby;" and the Senate agree to the same.

In line 20, page 3, section 7 of the Senate bill, after the words "as to," insert the words "be applicable to and to;" and the Senate agree to the same.

In line 21, page 3, section 7 of the Senate bill, after the words "corps in," strike out the word "such" and insert in lieu thereof the words "the same;" and the Senate agree to the same.

In line 21, page 3, section 7 of the Senate bill, after the words "manner as," strike out the words "now applies" and insert in lieu thereof "they now apply;" and the Senate agree to the same.

In line 25, page 3, section 7 of the Senate bill, after the word "examination," strike out the words "by and approval of" and insert in lieu thereof the words "and recommendation by;" and the Senate agree to the same.

In line 26, page 3, section 7 of the Senate bill, after the word "corps," insert the words "to be;" and the Senate agree to the same.

In line 30, page 3, section 8 of the Senate bill, after the word "made," insert the words "in the Signal Corps;" and the Senate agree to the same.

In line 16, page 4, section 9 of the Senate bill, after the words "shall be," insert the word "hereafter;" and the Senate agree to the same.

In line 19, page 4, section 10 of the Senate bill, after the word "officials," strike out the word "said" and insert in lieu thereof the word "which;" and the Senate agree to the same.

In line 21, page 4, section 10 of the Senate bill, after the word "moneys," insert the words "pertaining to and;" and the Senate agree to the same.

In line 21, page 4, section 10 of the Senate bill, after the word "and," strike out the words "it shall" and insert in lieu thereof the words "said board shall as soon as practicable;" and the Senate agree to the same.

In line 23, page 4, section 10 of the Senate bill, after the word "property," insert the word "more;" and the Senate agree to the same.

In line 21, page 4, section 10 of the Senate bill, after the word "and," insert the words "not necessary;" and the Senate agree to the same.

In line 25, page 4, section 10 of the Senate bill, after the word "corps," strike out the words "of the Army, and" and insert in lieu thereof the words "and what part of said property will be suitable and necessary for the Signal Corps, and;" and the Senate agree to the same.

In line 26, page 4, section 10 of the Senate bill, after the word "moneys," strike out the word "pertaining" and insert in lieu thereof the words "which shall be decided to properly pertain;" and the Senate agree to the same.

In line 28, page 4, section 10 of the Senate bill, strike out the words "person as" and insert in lieu thereof the words "bureau, and to the custody of;" and the Senate agree to the same.

In line 28, page 4, section 10 of the Senate bill, after the word "Agriculture," strike out the words "may direct;" and the Senate agree to the same.

B. M. CUTCHEON,
FRANCIS W. ROCKWELL,
JOS. WHEELER,
Managers on the part of the House.
WM. B. BATE,
C. K. DAVIS,
JOS. R. HAWLEY,
Managers on the part of the Senate.

Mr. BRECKINRIDGE. I ask that the statement of the conferees be read, or that a statement be made by the gentleman in charge of the conference report.

The statement of the House conferees is as follows:

The bill as reported from the conference committee is substantially the same as the bill which passed the House, but the original Senate bill is made the basis of amendment, instead of the House substitute therefor.

The amendments do not differ in effect, but in phraseology, from the House substitute, the two bills being in all material points the same.

B. M. CUTCHEON,
FRANCIS W. ROCKWELL,
JOS. WHEELER.

Mr. HOLMAN. I hope the gentleman from Michigan will state the facts. It does not appear yet what is to be the increased expenditure from the public Treasury for carrying on this system.

Mr. CUTCHEON. I think, Mr. Speaker, there will be no material increase in the expenditure without further legislation. It relates to the Signal Corps of the Army at the different posts and is strictly a military organization. When the 30th day of next June comes the enlisted force of the Army in the weather service will be discharged, and all of those who may so elect will be transferred to the so-called weather Bureau of the Agricultural Department and become a part thereof. If that service is thereafter enlarged or increased it will be by subsequent legislation, and not by this. This is simply to enable a part of the Signal Corps to be transferred from the Army, where they are at present, and to become a part of the Department of Agriculture.

Mr. HOLMAN. Let me ask how many civilians there are to be employed under this measure.

Mr. CUTCHEON. There is no authority given in this bill for the employment of any number of civilians. It simply provides that the Chief Signal Officer, General Greeley, who is the head of that bureau, and four commissioned officers, expert in the weather service, be detailed to the Department of Agriculture pending the training of ex-

perts in that Department; and it provides also for the transfer of enlisted men, except fifty sergeants, who remain in the Signal Corps of the Army. I think that without further legislation the force remains substantially as it is at the present time.

Mr. HOLMAN. The measure, then, will necessarily entail further legislation?

Mr. CUTCHEON. It must if it is to be at all enlarged. It is in the interest of agriculture and commerce that this bureau is transferred to the Agricultural Department.

The report of the committee of conference was adopted.

STEAMER, JOSEPH OTERI, JR.

The SPEAKER also laid before the House the bill (S. 4403) to provide an American register for the steamer Joseph Oteri, Jr., of New Orleans, La.

The bill was read, as follows:

Be it enacted, etc., That the Commissioner of Navigation is hereby authorized and directed to cause the foreign-built steamer Joseph Oteri, Jr., of New Orleans, La., purchased and wholly owned by American citizens, and repaired by them, to be registered as a vessel of the United States.

SEC. 2. That the Secretary of the Treasury be, and hereby is, authorized and directed to authorize and direct the inspection of said steam-vessel, steam-boiler, steam-pipes, and the appurtenances of said boiler, and cause to be granted the proper and usual certificate issued to steam-vessels of the merchant marine, without reference to the fact that said steam-boiler, steam-pipes, and appurtenances were not constructed pursuant to the laws of the United States, and were not constructed of iron stamped pursuant to said laws; and the tests to be applied to the inspection of said boiler, steam-pipes, and appurtenances will be the same in all respects as to strength and safety as are required in the inspection of boilers constructed in the United States for marine purposes, save the fact that said boiler, steam-pipes, and appurtenances not being constructed pursuant to the requirements of the laws of the United States, and are of unstamped iron, shall not be an obstacle to the granting of the usual certificate, if said boiler, steam-pipes, and appurtenances are found to be of sufficient strength and safety.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

The SPEAKER. Without objection, the House bill of similar title will be laid on the table.

There was no objection.

Mr. COLEMAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CLAIMS OF SHAWNEE AND DELAWARE INDIANS.

The SPEAKER also laid before the House the bill (S. 4354) to refer to the Court of Claims certain claims of the Shawnee and Delaware Indians and the freedmen of the Cherokee Nation, and for other purposes.

The bill was read, as follows:

Be it enacted, etc., That full jurisdiction is hereby conferred upon the Court of Claims, subject to an appeal to the Supreme Court of the United States as in other cases, to hear and determine what are the just rights in law or in equity of the Shawnee and Delaware Indians, who are settled and incorporated into the Cherokee Nation, Indian Territory, east of 96° west longitude, under the provisions of article 15 of the treaty of July 19, 1866, made by and between the United States and the Cherokee Nation, and articles of agreement made by and between the Cherokee Nation and the Shawnee Indians June 7, 1869, approved by the President June 9, 1869, and articles of agreement made with the Delaware Indians April 8, 1867; and also of the Cherokee freedmen, who are settled and located in the Cherokee Nation under the provisions and stipulations of article 9 of the aforesaid treaty of 1866, in respect to the subject-matter herein provided for.

SEC. 2. That the said Shawnees, Delawares, and freedmen shall have a right, either separately or jointly, to begin and prosecute a suit or suits against the Cherokee Nation and the United States Government, to recover from the Cherokee Nation all moneys due either in law or equity and unpaid to the said Shawnees, Delawares, or freedmen, which the Cherokee Nation have before paid out, or may hereafter pay, per capita, in the Cherokee Nation, and which was, or may be, refused to or neglected to be paid to the said Shawnees, Delawares, or freedmen by the Cherokee Nation, out of any money or funds which have, or may be paid into the treasury of, or in any way have come, or may come, into the possession of the Cherokee Nation, Indian Territory, derived from the sale, leasing, or rent for grazing purposes on Cherokee lands west of ninety-six degrees west longitude, and which have been, or may be, appropriated and directed to be paid out per capita by the acts passed by the Cherokee council, and for all moneys, lands, and rights which shall appear to be due to the said Shawnees, Delawares, or freedmen under the provisions of the aforesaid articles of the treaty and articles of agreement.

SEC. 3. That the said suit or suits may be brought in the name of the principal chief or chiefs of the said Shawnee and Delaware Indians, and for the freedmen and in their behalf and for their use in the name of some person as their trustee, to be selected by them with the approval of the Secretary of the Interior. And the exercise of such jurisdiction shall not be barred by any lapse of time heretofore, nor shall the rights of such Indians be impaired by any acts passed and approved by the Cherokee national council. Suits may be instituted within twelve months after the passage of this act, and the law and practice and rules of procedure in such courts shall be the practice and law in these cases; and copies of petitions filed in the case at the commencement of the suit shall be served upon the Attorney-General of the United States and on the principal chief in the Cherokee Nation by the marshal of the district court for the Indian Territory; and that the costs of the said suits shall be apportioned between the United States and the other parties to such suits as to said court law and equity shall require. The Attorney-General shall designate and appoint from the Department of Justice a person who is competent to defend the said Cherokee Nation and the United States. And the said Shawnees, Delawares, and freedmen may be represented by attorneys and counsel. And the court is hereby authorized to decree the amount of compensation of such attorneys and counsel fees, not to exceed 10 per cent. of the amount recovered, and order the same to be paid to the attorneys and counsel of the said Shawnees, Delawares, and freedmen; and all judgments for any sum or sums of money which may be ordered or decreed by such court in favor of the Shawnees, Delawares, or freedmen, and against the Cherokee Nation, shall be enforced by the said court or courts against the said Cherokee Nation by execution, mandamus, or in any other way which the said court may see fit.

SEC. 4. That the said Shawnee Indians are hereby authorized and empowered to bring and begin a suit in law or equity against the United States Government, in the Court of Claims, to recover and collect from the United States Government any amount of money that in law or equity is due from the United States to said tribes in reimbursement of their tribal fund for money wrongfully diverted therefrom. The right of appeal, jurisdiction of the court, process, procedure, and proceedings in the suit here provided for shall be as provided for in sections 1, 2, and 3 of this act.

Mr. VAUX. Is that a conference report?

The SPEAKER. It is a Senate bill.

Mr. GIFFORD. It is a Senate bill nearly identical with a House bill reported from the Committee on Indian Affairs.

Mr. BUCHANAN, of New Jersey. I for one would like to have some explanation of this bill. So far as I was able to determine from what I could hear when the bill was being read, during the discussions that were going on around me more or less national in their character, the fourth section of the bill provides for a suit to be brought by the Cherokee Nation against the Government without any limitation thereon. I would like to know something about this bill before it goes to a vote.

Mr. PEEL. I think my friend from New Jersey is mistaken in regard to that last section.

Mr. BUCHANAN, of New Jersey. Maybe I was. There were a good many national matters being discussed around me and some District matters.

Mr. VAUX. This bill appears to me to be a measure to oppress the Indians for the benefit of the white men.

Mr. PEEL. Well, no, sir.

Mr. VAUX. It seemed that way to me.

Mr. PEEL. Mr. Speaker, the facts are about these: Under the treaty of 1866 the freedmen, former slaves of the Cherokees, were made citizens of the United States, with all the rights and privileges of the Cherokees. Under that treaty the Shawnees and Delawares, by contract, purchased an interest of the Cherokee Nation, and they became citizens with certain privileges and rights.

Under the disbursement of certain funds arising from the sale of lands west of the ninety-sixth degree, the question has become an uncertain one as to whether or not they are entitled to participate in the fund. There was one disbursement of \$300,000 and another one for a smaller amount from which the Shawnees and Delawares were excluded. The object of the bill, so far as they are concerned, is to authorize them to bring suit to test their rights, and the Cherokees want it just as much as they do. Their delegates have been before our committee and recommended this bill. Their delegates are here now (Colonel Adair being with them), and the desire of both sides is to allow these three different bunches to bring suit to fix their legal status so as to regulate the matter in the future.

Now, as to that last section, which the gentleman from New Jersey [Mr. BUCHANAN] speaks of, I think he will find that it allows the Shawnees to bring suit for certain moneys of theirs that were embezzled by a Government agent. We, in our committee, thought that the Government ought to pay the money without referring the question, but the Senate put that provision in the bill to refer the matter to the court, and, of course, we have no objection.

Mr. BUCHANAN, of New Jersey. Then section 4 stands as I thought it did. It authorizes the Shawnees to bring a suit against the General Government, and I wanted to know what that was for.

Mr. PEEL. It is really against the Cherokee Nation.

Mr. BUCHANAN, of New Jersey. It is against the General Government.

Mr. PEEL. Well, it is for the repayment of money of theirs that was embezzled by an agent of the Government.

Mr. BUCHANAN, of New Jersey. And I want to say further that the right conferred seems to be a very broad one as it is stated in section 4.

Mr. PEEL. It ought to be broad if you wish to do justice to these Indians. I have not given the matter much attention since that amendment was put on in the Senate, but I think that the provision is all right.

Mr. BUCHANAN, of New Jersey. It authorizes the Shawnees to bring a suit against the Government of the United States to recover "any of their tribal funds which in law or equity belong to them."

Mr. VAUX. Well, a Government agent stole their money and why should it not be paid back to them? They have never got what either by law or by equity belonged to them.

Mr. BUCHANAN, of New Jersey. That is precisely the information that has been elicited by my question.

Mr. PERKINS. Mr. Speaker, the fourth section confers the right on the Shawnees to bring suit against the Government to recover about \$17,000 of their funds which were embezzled by a representative or agent of the Government. That is all there is of that. Of course, under the provisions of the bill it will be necessary for them to prove the facts before they can recover. The committee were not willing to report favorably upon the matter without a provision for establishing the facts before a court where witnesses could be cross-examined.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

The House bill of like purport (H. R. 11552) was laid on the table.

BRIDGE ACROSS THE MISSOURI RIVER.

The SPEAKER also laid before the House the bill (S. 4395) to authorize the construction of a bridge across the Missouri River at some accessible point in Boone County, in the State of Missouri.

The Clerk proceeded to read the bill.

Mr. HEARD. Mr. Speaker, I ask unanimous consent that the reading of that bill be dispensed with. It is a bridge bill, in the usual form, and it is approved by the Secretary of War.

There was no objection, and it was so ordered.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

The House bill of like import was laid on the table.

BRIDGE ACROSS THE OSAGE RIVER.

The SPEAKER also laid before the House the bill (S. 4396) authorizing the construction of a bridge across the Osage River at some accessible point in the county of Benton, in the State of Missouri.

The Clerk proceeded to read the bill.

Mr. HEARD. Mr. Speaker, that is a companionable bill to the other. It is in the usual form, and is approved by the Secretary of War, and I ask unanimous consent that the reading be dispensed with.

There was no objection.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

The House bill of like import was laid on the table.

BRIDGE NEAR QUINDARO, KANS.

The SPEAKER also laid before the House the bill (S. 4405) to authorize the construction of a bridge across the Missouri River at the most accessible point within 1 mile above or below the town of Quindaro, in the county of Wyandotte and State of Kansas.

The Clerk proceeded to read the bill.

Mr. FUNSTON. Mr. Speaker, this bill is in the usual form of bridge bills, and I ask that the reading of it be dispensed with.

There was no objection.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

The House bill for the same purpose was laid on the table.

EXTENSION OF TIME OF PAYMENT TO CERTAIN SETTLERS.

The SPEAKER also laid before the House the joint resolution (S. R. 125) to extend the time of payment to the settlers on the public lands in certain places.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever it shall appear by the filing of such evidence in the offices of any register and receiver as shall be prescribed by the Secretary of the Interior that any settler on the public lands, by reason of a failure of crops for which he is in no wise responsible, is unable to make the payment on his homestead or pre-emption claim required by law, the Commissioner of the General Land Office is hereby authorized, and it shall be his duty, to extend the time for such payment for one year from the date when the same becomes due; and the failure to pay aforesaid shall not work a forfeiture of the said settler's land or in any way prejudice his claim before the General Land Office, and no penalty shall be exacted for such extension.

Mr. BRECKINRIDGE. Mr. Speaker, I desire to make a point of order upon that joint resolution.

Mr. PAYSON. Mr. Speaker, I ask the gentleman to reserve his point of order for a moment and give me his attention.

Mr. BRECKINRIDGE. Certainly.

Mr. PAYSON. This is a resolution which covers an extremely meritorious class of cases, as the gentleman will notice if he had listened to the reading of it, and I am authorized by the Committee on Public Lands unanimously to ask the House to concur. There is a large number of persons in the western portion of the Union who, by reason of the extreme drought, are unable to meet the payments which will become due upon their lands under the public land laws, and this joint resolution provides for an extension of the time for one year in that class of cases. The gentlemen of the Kansas delegation are very anxious that this shall be done. The joint resolution is a very meritorious one, and I hope it may be concurred in.

Mr. BRECKINRIDGE. Mr. Speaker, the principle of the resolution is, I think, one of very doubtful value, and the mode provided for the execution of the resolution strikes me as being open to serious criticism. As I understand from the gentleman from Illinois [Mr. PAYSON] and from the joint resolution itself, persons who have purchased lands from the United States, but who are unable to pay for them by reason of the failure of crops, are to have an extension of time for one year, and the joint resolution provides that the fact shall be ascertained and the extension given by the register and receiver in the local territory where such lands are located.

Mr. PAYSON. Subject to the approval of the Interior Department.

Mr. BRECKINRIDGE. Well, that amounts practically to nothing, because it would be impossible for the Secretary of the Interior to examine all the testimony even in any given set of cases. Now, it seems to me that such resolution puts in the hands of the register and receiver a power to commit great frauds on the Government on the one hand, and, on the other, gives him a vast power over the settlers in the region in which his office is located. It gives to this officer a lever and

offers him a temptation to sell out, and for that reason it seems to me of doubtful policy. And it permits persons who may be entirely able to pay to postpone payment upon proof of the failure of the crop, without requiring proof that they are unable to pay from other sources.

I do not intend to raise any question of a quorum or in any other way to delay this measure; but I object to the precedent which it establishes, and which of course will be followed hereafter. There has already been a precedent made in a certain class of cases. Not very long ago in a case where a reservation was sold in Minnesota or some other Western State we passed a bill giving additional time for payment. I think such legislation ought not to have been adopted; it furnishes precedents which are dangerous; and it gives to the officers of the Government temptation to enter into collusion with the settlers, to discriminate among them, and to use the power conferred by the law for personal or corrupt party ends.

Mr. PAYSON. Mr. Speaker, in response to the gentleman from Kentucky, I desire simply to say that the only precedent for legislation of this character was, as he has suggested, in the case of the State of Minnesota. Some years ago, at the time of the great grasshopper scourge, a similar precedent to this was set. But this is the first time, Mr. Speaker, I have ever heard an intimation that that legislation was not of the most benevolent and philanthropic character. I know, from my own personal acquaintance with persons who went to that part of the Union from the neighborhood where I reside, that our legislation was in that case of the utmost benefit. Nobody has ever before criticised it. In this particular case the gentleman from Kentucky should remember that no one can be a beneficiary under the bill but a man who is in possession of a piece of Government land as a settler, either under the pre-emption law or the homestead law. Nobody except a man who has undertaken to build up for himself a home under the adverse circumstances surrounding settlement in the practically arid regions of the West can enjoy the benefits of this legislation.

This bill provides in as simple terms as can be adopted that no benefit beyond extension of time shall be given, and that only to such persons as are in possession of land and have been prevented during the past year, by reason of the drought which God Himself has sent, from making the payments on their land. If the gentleman from Kentucky thinks this benefit ought not to be extended I can not understand the reasoning by which he reaches that conclusion; for certainly if he himself had bargained a piece of land to a neighbor or acquaintance, and that man had been prevented by the act of God from raising a crop on the land and making the payments due, the gentleman from Kentucky would certainly never press him at such a time, but would give him another year in which to meet his indebtedness.

Mr. BRECKINRIDGE. The gentleman from Illinois should bear in mind that in my view there is a wide distinction between the Government and a private individual. I do not believe the Government of the United States is an eleemosynary institution, which is to be "philanthropic" and "benevolent." Those are terms which in my judgment are not proper to be predicated of this Government.

Mr. PAYSON. But, if the gentleman will permit me to interrupt him, I must remind him that nothing is proposed to be given to these settlers at all; there is no remission of the price of the land; there is only an extension of the time of payment.

Mr. BRECKINRIDGE. There are two things done by this bill: In the first place, it grants an extension of time of payment for the land which these people have purchased from the United States. I have no special objection to that. I think that as a creditor the United States ought to be lenient. I believe, however, it is a bad precedent for us to say in effect that Congress will interfere in the ordinary administration of the land laws of the United States because of exceptional conditions in any portion of the country.

But the principal objection I have to this bill is the power which it puts into the hands of the registers and receivers in every locality where there is any pretense of a drought at all. It enables them to go to a man and say, for instance, "Vote the way I want you to vote, and I will give you an extension; otherwise I will not." I think it is not a good thing to place such temptations before the officers of the Government.

Mr. OATES. Has the gentleman from Kentucky observed how extensive the operation of the bill may be?

Mr. BRECKINRIDGE. There is no limitation as to the extent of country over which the bill may operate. The only limitation is the discretion of the registers and receivers and the number of persons who can take advantage of it by making such proof as the registers and receivers may think proper.

Mr. PETERS. Will the gentleman allow me a moment?

Mr. BRECKINRIDGE. Certainly.

Mr. PETERS. In the Fiftieth Congress we passed through the House a measure authorizing the register and receiver upon certain proofs being made to extend to the settler a leave of absence from his claim. That, of course, was not exactly the same as this; still it proceeded upon the same principle.

Mr. BRECKINRIDGE. It did; and I think it was a bad precedent. It is now being urged precisely as it might have been expected such a precedent would be urged—to extend the scope of interference by the

General Government. We then allowed the register and receiver to grant leave of absence to the homesteader. Now we are using that measure as a precedent for authorizing the register and receiver to give an extension of time to persons who owe money to the Government upon their land. The next step may be that gentlemen elected to Congress from certain districts will come here pledged to do what they can to secure a remission of that indebtedness. Thus the matter will go on by easy steps.

I think the best remedy to be adopted by the Government (but I believe I am the only man in public life who is in favor of it) would be for the Government to empty itself of all title to the public lands and turn them over to the States in which they lie. We would thus get rid of our troubles in reference to the public lands. Let the States take the land, and use it to build up their communities upon such conditions and in such way as they might deem best.

Mr. PETERS. The gentleman from Kentucky will allow me this suggestion: the object of the homestead and pre-emption laws was to induce settlement upon the public domain. Now, that object is not at all perverted by giving an extension of one year to parties who by reason of drought are unable to make the payments provided for by law. That is all this joint resolution seeks to do. It aims to further the original object of the Government in adopting legislation for settling upon the public domain by creating homes.

Mr. BRECKINRIDGE. I would like to ask the gentleman from Kansas or the chairman of the Committee on Public Lands this question: When are the majority of these installments due?

Mr. PETERS. Under the homestead law proof must be made in seven years from the date of entry. Now this proposed legislation will affect only those whose time of finally proving up may fall during this year of drought.

Mr. BRECKINRIDGE. Have you any idea how many cases this would cover?

Mr. PETERS. I do not think it will cover many.

Mr. BRECKINRIDGE. In how many States will it be operative?

Mr. PETERS. Well, it will cover some cases in Kansas and probably a number of cases where the pre-emption law is in force. I will state to the gentleman that of course, as he is aware, the pre-emption law requires the payment of a certain amount of money at the time of proving up. Now, this law will extend the time of payment in such cases one year. Hence it will apply to land entries in Oklahoma and the two Dakotas and Kansas and to any of the other States where the public domain has been recently settled.

Mr. BRECKINRIDGE. From what I could gather from the reading of the bill it does not seem to have any limitation.

Mr. PETERS. There is no geographical limit.

Mr. BRECKINRIDGE. But I mean that there is no limitation as to time. It not only applies to indebtedness that falls due now or that may now be due, but to indebtedness that will fall due hereafter. It is a perpetual power given to the registers and receivers, and may be used by them as I have tried to indicate.

Mr. PAYSON. The gentleman from Kentucky is entirely in error there as to the power it gives to registers and receivers. The object of the joint resolution is to introduce a new element into the public-land settlement—

Mr. BRECKINRIDGE. Yes.

Mr. PAYSON. And the gentleman is quite right as to that, to wit, when by reason of droughts or other calamities it is impossible for the party in possession, as a settler, to comply with the conditions of the law he may apply to the Commissioner of the General Land Office, under such regulations as shall hereafter be made by the Secretary of the Interior, who may extend the time for his next payment one year. The registers and receivers have nothing whatever to do and no power in the premises, except to receive such proof as may be offered in support of the request and transmit it to the General Land Office, where the question is passed upon.

Mr. BRECKINRIDGE. Of course, Mr. Speaker, I do not speak with certainty and would not question the position the gentleman takes since he has examined the joint resolution; but it seemed to me to give power to the registers and receivers under such regulations as may be prescribed by the Department. It is a grant of power from the Department, in other words, to be placed in the hands of the registers and receivers without limit as to time.

Mr. PAYSON. Will the gentleman allow me to read from the joint resolution?

Mr. BRECKINRIDGE. Certainly.

Mr. PAYSON. The joint resolution provides:

That whenever it shall appear by the filing of such evidence in the offices of any register and receiver as shall be prescribed by the Secretary of the Interior that any settler on the public lands, by reason of a failure of crops for which he is in no wise responsible, is unable to make the payment on his homestead or pre-emption claim required by law, the Commissioner of the General Land Office is hereby authorized, and it shall be his duty, to extend the time for such payment for one year from the date when the same becomes due.

It is purely ministerial—the power of the register and receiver.

Mr. BRECKINRIDGE. But at the same time it ought not to be put into the law as a general provision.

Mr. PETERS. It is simply what the law gives the register and re-

ceiver a right to do now, namely, to take evidence in contested cases. There must be some initial point where the evidence can begin in all cases, and it is prescribed in this that the testimony shall be taken by the register and receiver.

Mr. BRECKINRIDGE. I have a sort of feeling in regard to the public land, as we have not any in Kentucky, which induces me to believe that the local communities should themselves manage their local affairs. Yet when gentlemen from the West, where the most of these public lands are located, unite upon any measure in regard to them I would rather have their own opinion than mine. Therefore I have done in this matter, as I have done heretofore to-day, simply pointed out what I regarded as a mistake, and content myself with a simple expression of opinion in that regard.

The bill was ordered to a third reading; and being read the third time, was passed.

The SPEAKER. In the absence of objection, the corresponding House bill will be laid on the table.

CHARLES P. CHOUTEAU.

The SPEAKER. The Chair desires to call the attention of the House to the bill the title of which the Clerk will now read.

The Clerk read as follows:

A bill (S. 1857) for the relief of Charles P. Chouteau, survivor of Chouteau, Harrison and Valle.

The SPEAKER. The gentleman from Kentucky [Mr. STONE] assures the Chair that this is brought up at the request of the committee and that he was authorized to make the motion.

Mr. HOLMAN. Has the bill been read?

The SPEAKER. The bill has already been read to-day.

Mr. STONE, of Kentucky. I do make that motion, Mr. Speaker, at the instance of the committee.

The SPEAKER. The question is on the third reading of the bill.

Mr. BRECKINRIDGE. Will the gentleman from Kentucky or some other gentleman give an explanation of this matter?

Mr. STONE, of Kentucky. The explanation is very simple. This is one of the claims for the construction of vessels during the war where there was a large excess over the contract price occasioned by changes made by the Government. There have been a number of such bills referred to the Court of Claims, and this is exactly the same and merits the same action.

Mr. BRECKINRIDGE. This is one of the class of claims to which the gentleman has given character and encouragement, and made respectable by the indorsement he has given.

Mr. STONE, of Kentucky. Yes; if my good character makes them respectable, it is willingly lent in this case. [Laughter.]

Mr. KERR, of Iowa. Does the gentleman state that this was ordered to be reported by a committee?

Mr. STONE, of Kentucky. Yes, sir. The Committee on War Claims ordered a favorable report on the claim. It afterwards passed the Senate; and the committee instructed me to say to the House that they desired that bill called up and the House bill laid on the table.

Mr. KERR, of Iowa. I made the objection because I think none of these claims ought to pass. The then Senator from Iowa [Senator Grimes], in a report made in 1866, made a statement, as I remember it now, that if these claims were allowed to be charged against the Government they would amount in the aggregate to \$80,000,000, and I think the House ought to understand how large a door we are opening.

Mr. MILLIKEN. But that is no test. The question is whether it is just or not.

Mr. STONE, of Kentucky. A number of such bills have passed the House in the last ten days, and it is no argument to state that if the bill is passed it will involve an expenditure of a large sum. If the amount is due it should be paid without regard to the size of the bill.

Mr. HENDERSON, of Iowa. What is it for?

Mr. STONE, of Kentucky. It is exactly like a dozen others passed the House within the last ten days, referring to the Court of Claims a claim for the construction of vessels during the war where the contractors were put to excessive cost, as they claim, on account of delays and changes ordered by the Government.

Mr. HERBERT. Was not that claim compromised once?

Mr. STONE, of Kentucky. No, sir; it has never been compromised.

Mr. HERBERT. And did not the claimant in this case once give a receipt in full?

Mr. STONE, of Kentucky. I expect that is true, because they all gave receipts in full.

Mr. HERBERT. Was it not on a compromise?

Mr. STONE, of Kentucky. No, sir; there was no compromise about it.

Mr. KERR, of Iowa. This claim, as I understand it, is to pay for damages which these claimants allege they sustained by reason of the rise in prices growing out of the fact that we had adopted a paper currency.

Mr. STONE, of Kentucky. Mr. Speaker, this bill is not to pay anything. This bill is simply to authorize these gentlemen to go before the Court of Claims and find out whether or not anything is due them.

Mr. BRECKINRIDGE. I would like to inquire whether under the

wording of this act the Court of Claims is not obliged to give a judgment?

Mr. STONE, of Kentucky. No, sir; I would never give my consent to anything that forces a court to do what it does not want to do.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. FRANK moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

The House bill of similar import was ordered to lie upon the table.

INTERNATIONAL MARINE CONFERENCE.

The SPEAKER also laid before the House the following:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of State, the Secretary of the Treasury, the Secretary of War, and the Secretary of the Navy be requested and they are hereby directed to examine the report and recommendations made by the delegates of the United States in the International Marine Conference, dated February 20, 1890, and as far as the same apply to subjects under the jurisdiction of their respective Departments, and are approved by them, to prepare and submit to Congress bills for the enactment into law of said recommendations.

The resolution was concurred in.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the following titles:

A bill (H. R. 11459) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1890, and for prior years, and for other purposes;

A bill (H. R. 7666) making an appropriation to construct a road and approaches from the city of Alexandria, Va., to the national military cemetery near that city;

A bill (H. R. 5939) for the relief of settlers on the Northern Pacific Railroad indemnity lands; and

A bill (H. R. 789) opening to settlement a portion of the Fort Randall military reservation in South Dakota.

The message also announced that the Senate had passed without amendment the joint resolution (H. Res. 214) extending the "Act fixing the rate of interest to be charged on arrearages of general and special taxes now due the District of Columbia, if paid within a time specified," to October 31, 1890.

The message further announced that the Senate agreed to the amendments of the House to the bill (S. 4081) to provide for the incorporation of trust, loan, and mortgage and certain other corporations in the District of Columbia; and the bill (S. 4309) granting the right of way to the Sherman and Northwestern Railway Company through the Indian Territory, and for other purposes.

The message further announced that the Senate had passed a bill (S. 4398) giving, upon conditions and limitations therein contained, the assent of the United States to certain leases of rights to mine coal in the Choctaw Nation; in which the concurrence of the House was requested.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED.

Mr. KENNEDY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

A bill (S. 181) for the relief of the estate of Thomas Niles, deceased;

A bill (S. 435) granting a pension to Malinda Collins;

A bill (S. 473) for the relief of the Portland Company, of Portland, Me.;

A bill (S. 497) to provide for the sale of certain New York Indian lands in Kansas;

A bill (S. 573) granting an increase of pension to Mark F. Carter;

A bill (S. 792) granting a pension to Martha J. Dodge;

A bill (S. 987) granting a pension to Mary L. Miller;

A bill (S. 1040) granting a pension to Thomas H. Wilkerson;

A bill (S. 1187) for the relief of the Washington Iron Works;

A bill (S. 1195) for the relief of Snowden & Mason;

A bill (S. 1812) granting an increase of pension to Emily F. Warren;

A bill (S. 1840) granting a pension to Sallie Douglass Hartranft;

A bill (S. 1971) for the relief of William Clawson;

A bill (S. 2531) granting an increase of pension to Benjamin T. Baker;

A bill (S. 2574) granting a pension to Benjamin F. Brown;

A bill (S. 2575) granting an increase of pension to Margaret Flaherty;

A bill (S. 2805) to provide for the disposal of the Old Fort Lyon and Fort Lyon military reservations, in the State of Colorado, to actual settlers, under the provisions of the homestead laws.

A bill (S. 3159) granting a pension to Albert P. Davis;

A bill (S. 3234) granting a pension to Harriet B. Hamilton;

A bill (S. 3275) for the relief of John William Cable;

A bill (S. 3543) granting a pension to Salina B. Merrick;

A bill (S. 3649) granting an increase of pension to Katherine W. Howell;

A bill (S. 3760) granting a pension to J. Seaton Kelso;

A bill (S. 3798) to authorize the Mobile, Jackson and Kansas City Railroad Company to cross certain rivers in the State of Mississippi;

A bill (S. 3801) authorizing the use of the Louisville and Portland Canal basin on certain conditions;

A bill (S. 3830) to prohibit book-making of any kind and pool-selling in the District of Columbia for the purpose of gaming;

A bill (S. 3852) to authorize the Eagle Pass Water-Supply Company and the Compañía Proveedora de Aguas de Ciudad Porfirio Diaz to connect their water-works communications across the Rio Grande River at Eagle Pass, Tex.;

A bill (S. 3895) to amend an act entitled "An act to establish a railway bridge across the Illinois River, extending from a point within 5 miles of Columbiana, in Greene County, to a point within 5 miles of Farrowtown, in Calhoun County, in the State of Illinois," approved March 3, 1883;

A bill (S. 3996) to repeal sections 3952 and 3953 of the Revised Statutes of the United States;

A bill (S. 4011) to authorize the Canaveral and South Florida Railroad Company to construct and maintain a bridge across the Indian River and one across the Banana River, both in the State of Florida, and to establish the same, in each case, as a post-road;

A bill (S. 4046) granting a pension to William Norwood;

A bill (S. 4064) for the relief of William J. Martin;

A bill (S. 4074) to provide an American register for the bark Campanero, of Baltimore, Md.;

A bill (S. 4297) to authorize the Seneca Nation of New York Indians to lease lands within the Cattaraugus and Allegany reservations, and to confirm existing leases;

A bill (S. 4322) to authorize the construction of a bridge across the Kentucky River and its tributaries by the Louisville, Covington and Cincinnati Railway Company, the Carrollton and Louisville Railroad Company, and the Westport, Carrollton and Covington Railway Company, and their assigns;

A bill (S. 4334) to authorize the building of a bridge at Dardanelle, Ark., across the Arkansas River;

Joint resolution (S. R. 123) to enable the commission having charge of the preparation and erection of the statue, with suitable emblematic devices thereon, on one of the public reservations in the city of Washington, to the memory of General La Fayette and his compatriots, to execute the purpose expressed in the concurrent resolution adopted by the two Houses of Congress on the 28th day of August, 1890; and

Joint resolution (S. R. 95) to surrender certain bonds, drafts, and other papers in the Department of State to Robert S. Hargous, administrator of Louis S. Hargous, deceased.

APPOINTMENT OF CONFEREES.

The SPEAKER announced the appointment of the following conferees:

On the bill (H. R. 10639) to amend section 2 of act of May 30, 1862: Messrs. PAYSON, TURNER of Kansas, and HOLMAN.

On the bill (H. R. 8049) to provide for the disposal of the abandoned Fort Ellis military reservation in Montana under the homestead law, and for other purposes: Messrs. KINSEY, LANHAM, and CARTER.

ADVANCEMENT OF PAY OF MEMBERS AND DELEGATES.

Mr. PETERS. Mr. Speaker, I desire to present a joint resolution in which a number of the members of the House are interested.

The Clerk read as follows:

Joint resolution authorizing the advancement of pay of Members and Delegates of the House of Representatives.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury and the Sergeant-at-Arms of the House of Representatives of the United States be, and they and each of them are hereby, authorized and directed to advance pay to the Members and Delegates of the House of Representatives of the United States, Fifty-first Congress, the amount due them as salary for the month ending October 3, 1890, on the 30th day of September, 1890, instead of the 4th day of October, 1890.

Mr. PETERS. Mr. Speaker, a word in regard to that. The Sergeant-at-Arms could not pay the members of this House and the Delegates until Saturday next without the passage of a resolution of this kind. This simply provides that he may pay them on the 30th.

Mr. HOLMAN. I should like to know whether there is any reason for this or not.

Mr. PETERS. There are members who will have to wait here until next Saturday, in case Congress adjourns before that time, because they have not money enough to get home with. [Laughter.]

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. OWENS, of Ohio. I object.

Mr. DUNNELL. I ask for the consideration and passage of the following bill.

The Clerk read as follows:

A bill (H. R. 11716) to amend an "Act to provide for taking the eleventh and subsequent censuses," approved March 1, 1889.

Mr. PETERS. Mr. Speaker, I understand the gentleman from Ohio [Mr. OWENS] withdraws his objection to the consideration of the resolution for advancement of pay of members.

The SPEAKER. Is there further objection to the consideration of the resolution at the present time? The Chair hears none.

Mr. PAYSON. Mr. Speaker, as I understand it, the question is on

the passage of this resolution. I do not object to its consideration, but I desire to submit, Mr. Speaker, as to whether it is at all the proper thing to set the precedent of anticipating the pay that is due to the members of this House.

To advance to ourselves, before it is due by existing law, our September salary, is, in my judgment, entirely without warrant, and will provoke the just criticism of the country.

I am opposed to it, and I submit that this resolution ought not be pressed even to a vote.

Mr. MILLIKEN. I presume the gentleman himself has money enough to get home with. [Laughter.]

Mr. PAYSON. I hope the gentleman will not interrupt me. I am proposing to submit some words of soberness and truth. The time for and manner of payment of salaries of members of this body are provided by law in detail, and at stated periods, and I submit to the sober judgment of the members about me whether by the passage of this resolution we ought to anticipate any benefits that the law gives us by reason of this position.

On the 4th day of next month the salary of every member will become due, and we ought not—one single sentence expresses all I desire to say about it—we ought not in any way, simply because we have the power, to vote to ourselves the payment of money in advance of the time that is fixed by law. We do that as to employes sometimes, and it is a proper thing to do. I have voted for that proposition whenever it has been presented; but I again submit that we ought not to vote to ourselves a benefit simply because we have the power, and without, as I believe, any necessity. It is improper and will set a dangerous precedent. However others may vote upon this question, I shall content myself with voting "no."

Mr. McKINLEY. I hope the gentleman from Kansas will withdraw the resolution. We ought not to establish a precedent of this sort.

Mr. PETERS. Mr. Speaker, I do not see how any one can conclude from the reading of this joint resolution that we anticipate anything. Our salary for September will be due, as a matter of fact, upon the 1st day of October; but by reason of a custom that has prevailed in the Treasury Department for many years, it can not be obtained from the Treasury Department until the 4th day of next month. We do not receive our pay for the first few days of October. We simply receive pay for the month of September.

Mr. STOCKDALE. The gentleman is mistaken about that.

Mr. EVANS. Our month commences on the 4th day.

Mr. PETERS. I will say further in connection with that, there has never been a time when the coincidence occurred that the House adjourned on the 1st, or within two or three days of the time when the salary would become due. I hope that the resolution will be adopted. Now, there are members here (I know of such members) who will be required to remain until Saturday before they can go home.

The SPEAKER. The gentleman from Ohio has withdrawn his objection.

Mr. TRACEY. I think I will object.

The SPEAKER. Is there objection to the passage of the joint resolution?

Mr. PAYSON. Mr. Speaker, I did not object to the consideration, but did object to unanimous consent to the passage. The Chair put it to the House as to whether there was unanimous consent to the passage.

The SPEAKER. That was an inadvertence of the Chair.

Mr. PETERS. I will withdraw the resolution, then.

INCREASED COMPENSATION TO CENSUS ENUMERATORS.

The SPEAKER. There is a bill already pending before the House, which the Clerk will again read.

The bill was read, as follows:

A bill (H. R. 11716) to amend "An act to provide for taking the eleventh and subsequent censuses," approved March 1, 1889.

Be it enacted, etc. That section 11 of "An act to provide for taking the eleventh and subsequent censuses" be, and is hereby, amended by inserting before the word "rates," in line 12, the words "And further provided, That no enumerator shall receive a less compensation than \$3 a day for each and every day actually employed."

The SPEAKER. Is there objection to the consideration of the bill?

Mr. BLOUNT. I will ask the gentleman from Minnesota [Mr. DUNNELL] what is the change in the compensation?

Mr. DUNNELL. Mr. Speaker, under the operation of the existing law there is found to be a class of enumerators who have no other compensation guaranteed to them than 2 cents per individual enumerated, and it has been found that in the sparsely settled portions of the country the enumerators are poorly compensated. But few members of this House have not had letters and petitions asking that these persons be cared for. The matter has been presented to me by the Census Office, and for one I called upon the gentleman from Georgia [Mr. BLOUNT] and upon the gentleman from Indiana to ask consent that this bill be considered at this time. A large majority of the members of the Committee on the Eleventh Census have consented to its consideration.

Mr. KERR, of Iowa. I will ask the gentleman a question, and it

is this: If it has not been very generally understood that the law was that each enumerator should receive not less than \$3 a day.

Mr. DUNNELL. That pertains simply to a given class. They have interpreted it as belonging to the classes that are enumerated; but as to the general class, where no per diem at all is allowed, the great mass of enumerators in the sparsely settled districts have no provision in the bill affecting them, except the 2 cents given for enumeration.

Mr. STOCKDALE. And a great many of them did not make expenses.

Mr. DUNNELL. A great many of them have not made expenses. I have a letter from a man showing that he did not make \$1.25 a day.

Mr. HENDERSON, of Iowa. I have men in my district who are out of pocket by it.

Mr. FLOWER. It is generally understood that they did not make all that they could have made in New York.

Mr. DUNNELL. But in New York the law provides that the enumerators shall have not less than \$3 a day; and in some instances they got \$6 a day.

Mr. FLOWER. But they did not make all that they could have made.

Mr. BLOUNT. I would like to ask the gentleman what estimate is made as to the cost that will grow out of this legislation.

Mr. DUNNELL. The Superintendent of the Census did not ask for any additional appropriation; but he said to me that the cost would not exceed \$50,000, and it would be provided for out of the general appropriation already made. It is a downright hardship to many men, that after doing faithful work, they shall receive less than horse-hire for the work they have done.

Mr. HEMPHILL. Is there any precedent for this legislation?

Mr. DUNNELL. Yes; there is a precedent.

Mr. HEMPHILL. Did not we pass a bill here some time ago giving them double the compensation that we first proposed to give them?

Mr. DUNNELL. I did not so understand.

Mr. HEMPHILL. Oh, no; I remember now, that was for the supervisors.

Mr. DUNNELL. Yes.

Mr. HEMPHILL. Well, the trouble, it seems, is that they did not get all the people they could get.

Mr. BRECKINRIDGE. It seems that they did not enumerate all that there were to enumerate so that they might get the 2 cents on all that were to be enumerated.

Mr. BLOUNT. I would like to have the letter read, if the gentleman has it.

Mr. DUNNELL. I have no letter.

Mr. BLOUNT. Have you nothing but the verbal statement of the Superintendent of the Census?

Mr. DUNNELL. That is all I have.

The SPEAKER. Is there objection?

Mr. DUNPHY and Mr. VAUX objected.

The SPEAKER. Objection is made.

Mr. DUNNELL. I did not understand that there was objection. Who made the objection?

The SPEAKER. The gentleman from New York [Mr. DUNPHY] and the gentleman from Pennsylvania [Mr. VAUX].

YELLOWSTONE PARK.

Mr. STOCKDALE. Mr. Speaker, I ask unanimous consent to put upon its passage the bill S. 491, which is the bill in relation to the Yellowstone Park.

The Clerk proceeded to read the bill.

The SPEAKER. This bill is liable to provoke discussion, is it not?

Mr. STOCKDALE. I do not think so. Mr. Speaker, I ask unanimous consent that the reading of the bill be dispensed with.

Mr. ANDERSON, of Kansas, objected.

The Clerk proceeded to read the bill.

Mr. ANDERSON, of Kansas (interrupting the reading). Mr. Speaker, I will withdraw my objection to dispensing with the reading of the bill provided the section is read which relates to the building of a railroad in this park.

Mr. HOLMAN. That is a House amendment to the Senate bill. It is not in the bill itself. If the gentleman [Mr. ANDERSON, of Kansas] withdraws his objection, then I suggest that the amendment proposed by the Committee on Public Lands be read.

The SPEAKER. Is there objection to dispensing with the reading of the bill?

Mr. ADAMS. Mr. Speaker, does this bill come up by unanimous consent?

The SPEAKER. By unanimous consent.

Mr. ADAMS. Reserving the right to object, I will ask my colleague [Mr. PAYSON] whether he intends to allow discussion on the amendment proposed to this bill giving the railroad company the right of way through the national reservation.

Mr. PAYSON. Undoubtedly. The bill has been called up by the gentleman from Mississippi [Mr. STOCKDALE], but of course it will be his purpose to allow any time for debate which gentlemen may desire. The fullest opportunity for discussion and amendment will be allowed.

I make this statement in behalf of the gentleman from Mississippi [Mr. STOCKDALE], but I know that he will authorize it.

The SPEAKER. Is there objection?

Mr. DUNNELL. I object, until we can hear a statement. If this bill provides for the building of a railroad in any part of the National Park I enter my objection.

Mr. HOLMAN. That is not in the bill. That is a House amendment. I am opposed to it.

Mr. PAYSON. The amendment that is proposed by the committee would obviate the objection of the gentleman from Minnesota.

Mr. HOLMAN. I think not.

Mr. PAYSON. I think so.

The SPEAKER. Is there objection?

Mr. HOLMAN. As to dispensing with the further reading of the bill?

The SPEAKER. As to the consideration of the bill.

Mr. BRECKINRIDGE. I thought the Speaker was putting the question upon dispensing with the reading of the bill, and not the question of consideration.

Mr. HOLMAN. I think the House ought to have before it the amendment proposed by the Committee on Public Lands before that question is determined.

The SPEAKER. The Chair does not think that after the gentleman from Kansas [Mr. ANDERSON] withdrew his objection the question was put as to whether or not there was further objection. The Chair will therefore put the question now. Is there further objection to dispensing with the reading of this bill?

There was no objection.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. HOLMAN. Before that question is put I ask that the House amendments be read.

Mr. VAUX. The bill, as I understand, authorizes the extension of a railroad into the park.

Mr. CARTER. Not into the park.

The SPEAKER. The Clerk will read the House amendment.

The amendment was read.

Mr. CANDLER, of Massachusetts. I object to the present consideration of the bill.

DESECRATION OF THE UNITED STATES FLAG.

Mr. CALDWELL. I ask unanimous consent for the present consideration of the bill (H. R. 10475) to prevent desecration of the United States flag.

The bill was read, as follows:

Be it enacted, etc., That any person or persons who shall use the national flag, either by printing, painting, or affixing on said flag, or otherwise attaching to the same any advertisement for public display or private gain shall be guilty of a misdemeanor, and on conviction thereof in the district court of the United States shall be fined in any sum not exceeding \$50 or imprisoned not less than thirty days, or both, at the discretion of the court.

There being no objection, the House proceeded to the consideration of the bill, which was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. CALDWELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. PAYSON. I ask unanimous consent that the hour for the recess to-day be extended thirty minutes.

Mr. KILGORE. I object.

STEAM-BOAT INSPECTION.

Mr. FARQUHAR, from the Committee on Merchant Marine and Fisheries, submitted the following report, and in pursuance of the recommendation therein the accompanying resolution was referred to the Committee on Rules:

The Committee on Merchant Marine and Fisheries, to whom was referred the accompanying resolution, offered by Mr. FLOWER, of New York, respectfully report that this committee, after due deliberation, report the same back to the House for reference to the Committee on Rules, which committee alone has jurisdiction of all matters relating to a change of rules:

"Whereas this body has been petitioned by the Grand Harbor of American Brotherhood of Steam-boat Pilots of the United States, composed exclusively of licensed masters and pilots, for the appointment of a committee from the House of Representatives to examine into, and, where necessary, revise the laws, rules, and regulations governing the steam-boat inspection service, for the reason that it is claimed by them that many of the said laws, rules, and regulations are arbitrary, unreasonable, ineffectual, and not in keeping with our present exigencies and progress, to the great detriment of the public service; and

"Whereas, said service, its licensed masters, pilots, and engineers are mainly governed by rules and regulations adopted by the boards of supervising inspectors at their annual meetings and enforced by the Treasury Department, many of which, it is claimed, are capricious, oppressive, and ridiculous, and none of which are clothed with the sanction of statute law; and

"Whereas it is further claimed that the management of the service should be rendered more efficient, and that serious complaints and charges have been and are being made against several of its principal executive officers of incompetence, mismanagement, and official misconduct: Now, therefore,

Be it resolved, That a committee of five members of this House be appointed by the Speaker for the purpose of making a thorough investigation of the management of the said service and the present laws, rules, and regulations gov-

erning the same, and investigate all charges that have been or may be preferred against any officer thereof, and make recommendations thereupon to this body with all convenient speed; and,

Be it further resolved, That said committee shall have full power to summon witnesses, books, and papers, to incur all necessary expense, to employ clerks and counsel, to select times and places for holding its sessions, and to do all such further acts and things as may be requisite in the furtherance of this object."

The SPEAKER. The hour of 5 o'clock having arrived, the House takes a recess until 8 o'clock this evening. The gentleman from Illinois [Mr. PAYSON] will preside at the evening session.

EVENING SESSION.

The recess having expired, the House reassembled at 8 o'clock p. m., and was called to order by Mr. PAYSON as Speaker *pro tempore*.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The House, pursuant to a special order adopted this afternoon, is in session for the consideration of bills reported from the Committee on Indian Affairs to which there is no objection. The Chair recognizes the gentleman from Kansas [Mr. PERKINS], the chairman of the committee.

MISSION INDIANS OF CALIFORNIA.

Mr. PERKINS. Mr. Speaker, I ask consideration, first, of the Senate bill which I send to the desk.

The SPEAKER *pro tempore*. The bill will be read, after which the Chair will ask for objections.

The Clerk read as follows:

A bill (S. 2783) for the relief of the Mission Indians in the State of California.

Be it enacted, etc., That immediately after the passage of this act the Secretary of the Interior shall appoint three disinterested persons as commissioners to arrange a just and satisfactory settlement of the Mission Indians residing in the State of California upon reservations which shall be secured to them as hereinafter provided.

Sec. 2. That it shall be the duty of said commissioners to select a reservation for each band or village of the Mission Indians residing within said State, which reservation shall include, as far as practicable, the lands and villages which have been in the actual occupation and possession of said Indians, and which shall be sufficient in extent to meet their just requirements, which selection shall be valid when approved by the President and Secretary of the Interior. They shall also appraise the value of the improvements belonging to any person to whom valid existing rights have attached under the public-land laws of the United States, or to the assignee of such person, where such improvements are situated within the limits of any reservation selected and defined by said commissioners. In cases where the Indians are in occupation of lands within the limits of confirmed private grants the commissioners shall determine and define the boundaries of such lands, and shall ascertain whether there are vacant public lands in the vicinity to which they may be removed. And the said commission is hereby authorized to employ a competent surveyor and the necessary assistants.

Sec. 3. That the commissioners, upon the completion of their duties, shall report the result to the Secretary of the Interior, who, if no valid objection exists, shall cause a patent to issue for each of the reservations selected by the commission and approved by him in favor of each band or village of Indians occupying any such reservation, which patents shall be of the legal effect and declare that the United States does and will hold the land thus patented, subject to the provisions of section 4 of this act, for the period of twenty-five years, in trust, for the sole use and benefit of the band or village to which it is issued, and that at the expiration of said period the United States will convey the same or the remaining portion not previously patented in severally by patent to said band or village, discharged of said trust and free of all charge or incumbrance whatsoever: *Provided,* That no patent shall embrace any tract or tracts to which existing valid rights have attached in favor of any person under any of the United States laws providing for the disposition of the public domain, unless such person shall acquiesce in and accept the appraisal provided for in the preceding section in all respects and shall thereafter, upon demand and payment of said appraised value, execute a release of all title and claim thereto; and a separate patent, in similar form, may be issued for any such tract or tracts at any time thereafter. Any such person shall be permitted to exercise the same right to take land under the public-land laws of the United States as though he had not made settlement on the lands embraced in said reservation; and a separate patent in similar form may be issued for any tract or tracts at any time after the appraised value of the improvements thereon shall have been paid: *And provided further,* That in case any lands shall be selected under this act to which any railroad company is or shall hereafter be entitled to receive a patent, such railroad company shall upon releasing all claim and title thereto, and on the approval of the President and Secretary of the Interior, be allowed to select an equal quantity of other land of like value in lieu thereof at such place as the Secretary of the Interior shall determine: *And provided further,* That said patents declaring such lands to be held in trust as aforesaid shall be retained and kept in the Interior Department and certified copies of the same shall be forwarded to and kept at the agency by the agent having charge of the Indians for whom such lands are to be held in trust, and said copies shall be open to inspection at such agency.

Sec. 4. That whenever any of the Indians residing upon any reservation patented under the provisions of this act shall, in the opinion of the Secretary of the Interior, be so advanced in civilization as to be capable of owning and managing land in severally, the Secretary of the Interior may cause allotments to be made to such Indians, out of the land of such reservation, in quantity as follows: To each head of a family not more than 640 acres nor less than 160 acres of pasture or grazing land, and in addition thereto not exceeding 20 acres, as he shall deem for the best interest of the allottee, of arable land in some suitable locality; to each single person over twenty-one years of age not less than 80 nor more than 640 acres of pasture or grazing land, and not exceeding 10 acres of such arable land.

Sec. 5. That upon the approval of the allotments provided for in the preceding section by the Secretary of the Interior he shall cause patents to issue therefor in the name of the allottees, which shall be of the legal effect and declare that the United States does and will hold the land thus allotted for the period of twenty-five years, in trust, for the sole use and benefit of the Indian to whom such allotment shall have been made, or, in case of his decease, of his heirs according to the laws of the State of California, and that at the expiration of said period the United States will convey the same by patent to the said Indian, or his heirs, as aforesaid, in fee, discharged of said trust and free of all charge or incumbrance whatsoever. And if any conveyance shall be made of the lands set apart and allotted as herein provided, or any contract made touching the

same, before the expiration of the time above mentioned, such conveyance or contract shall be absolutely null and void: *Provided*, That these patents, when issued, shall override the patent authorized to be issued to the band or village as aforesaid, and shall separate the individual allotment from the lands held in common, which proviso shall be incorporated in each of the village patents.

SEC. 6. That in cases where the lands occupied by any band or village of Indians are wholly or in part within the limits of any confirmed private grant or grants, it shall be the duty of the Attorney-General of the United States, upon request of the Secretary of the Interior, through special counsel or otherwise, to defend such Indians in the rights secured to them in the original grants from the Mexican Government, and in an act for the government and protection of Indians passed by the Legislature of the State of California April 22, 1850, or to bring any suit, in the name of the United States, in the circuit court of the United States for California, that may be found necessary to the full protection of the legal or equitable rights of any Indian or tribe of Indians in any of such lands.

SEC. 7. That each of the commissioners authorized to be appointed by the first section of this act shall be paid at the rate of \$3 per day for the time he is actually and necessarily employed in the discharge of his duties, and necessary traveling expenses; and for the payment of the same, and of the expenses of surveying, the sum of \$10,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The SPEAKER *pro tempore*. Is there objection to the present consideration of this bill?

Mr. PERKINS. I desire to make a statement.

Mr. HOOKER *rose*.

The SPEAKER *pro tempore*. With the understanding that the right to object is reserved, the gentleman from Kansas [Mr. PERKINS] will be recognized, if there is no objection, to make a statement.

Mr. KILGORE. I would like to hear the report in this case.

Mr. PERKINS. The House committee has made no report. I was about to suggest that the bill has passed the Senate several times—

Mr. KILGORE. Has it been reported by the House committee?

Mr. PERKINS. The committee authorized me two months ago to report the bill; and we have reported substantially the same bill, but I have never made any formal report upon the Senate bill. The bill has passed the Senate two or three times.

Mr. KILGORE. Is there a report by the Senate committee?

Mr. PERKINS. The last three or four times the bill has passed the Senate it has passed without any written report whatever; and it has been reported by two or three different committees of this House.

Mr. Speaker, there is not a bill that has been considered by our committee that seems to have received such earnest indorsement from those who have given attention to the necessities of these Indians as this bill. Mr. Herbert Welch, of Philadelphia, who is the secretary of the Indian Rights Defense Association, has written me personally, I think, at least half a dozen letters urging me by all means to secure, if possible, the passage of this bill before the adjournment of Congress. I have received from Boston and almost all the New England cities letters from philanthropic people who are deeply interested in the good of the Indians, calling my attention particularly to this bill and urging that before the adjournment of this session it be brought up for consideration. The gentleman from California [Mr. VANDEVER], whom I expected here this evening, is entirely familiar with the local necessities and surroundings of these Indians.

Mr. KILGORE. As I understand from the gentleman, the principal pressure for the passage of this bill comes from "philanthropic" people. The gentleman will allow me to suggest that if there are any people on the face of the earth who know nothing of what is necessary in the matter of legislation, it is that class of people.

Mr. PERKINS. Mr. Welch visited these Indians personally, examining into their condition, investigating all the circumstances pertaining to this proposed legislation. As I have suggested, the bill has passed the Senate three or four times, and never, so far as I have known, has there been any objection to it.

Mr. HERMANN. This is confined in its operation to California?

Mr. PERKINS. Oh, yes; and simply to the Mission Indians of California.

The SPEAKER *pro tempore*. The Chair desires to call the attention of the House to the special order, as a jurisdictional question is presented that the Chair feels bound in justice to itself to advise the House of. The special order will be read by the Clerk.

The Clerk read as follows:

Mr. PERKINS. I ask unanimous consent that at 5 o'clock to-day the House take a recess until 8 o'clock, for the purpose of considering bills of the Senate and House reported from the Committee on Indian Affairs to which there is no objection.

The SPEAKER *pro tempore*. By the terms of this order adopted to-day members will perceive that bills only are in order, Senate or House, which have been reported favorably from the Committee on Indian Affairs. This bill does not seem to be so reported; and hence, under the order, the Chair thinks it could not be properly called up to-night.

Mr. PERKINS. Mr. Speaker, I was instructed several weeks ago to make a report on this bill, but kept it in my desk, hoping to call it up for passage in the House without making a formal report.

The SPEAKER *pro tempore*. The Chair understands the gentleman to say that it has not been reported from the committee.

Mr. PERKINS. There has been no formal report on the bill. But, Mr. Speaker, if the Journal Clerk were present he would verify my statement, I think, that the order of business under which the

House is operating to-night is not in the terms just read from the desk, although of course, in the absence of anything else, we must respect that order. I asked the House for a special rule to-night for the purpose of considering Senate and House bills that might be presented by the Committee on Indian Affairs to which no objection was made, and not merely bills reported from the Committee on Indian Affairs. There was a mistake in using the word "reported" for "presented."

The SPEAKER *pro tempore*. The Chair will state that the language of the gentleman was furnished by the Official Reporters at the request of the Chair before the beginning of the evening session.

Mr. PERKINS. The idea was that the committee might call up such bills they desired.

Mr. HOOKER. I would ask the chairman of the committee to state whether or not this is a Senate bill.

Mr. PERKINS. It is a Senate bill.

Mr. HOOKER. A bill which has passed the Senate?

Mr. PERKINS. It has passed the Senate several times.

Mr. HOOKER. In its present form?

Mr. PERKINS. Yes, sir. The bill I sent to the desk and called up was the engrossed copy of the Senate bill.

Mr. KEIR, of Iowa. I understand the gentleman from Kansas to say that there is a House bill similar to this which has been reported from the committee.

Mr. PERKINS. I will state to the gentleman—

The SPEAKER *pro tempore*. The Chair is advised by the Journal Clerk, who has just come in, that the order requested by the gentleman from Kansas, as appears on the Journal, is in a different form from that just read; that the order is, "such bills as shall be presented by the committee." On that statement the Chair will hold that this bill is properly before the House to-night, subject, of course, to the right of objection.

Mr. HOOKER. I suggest, Mr. Speaker, that inasmuch as this bill makes an appropriation of money, it should receive its consideration in a Committee of the Whole.

Mr. PERKINS. I will withdraw the bill, Mr. Speaker.

Mr. HOOKER. It is not on this bill particularly, but because I think all bills of this character should be considered in Committee of the Whole.

Mr. PERKINS. I regret that the gentleman makes this point because of the necessity of these Indians. It is unfortunate the bill could not be passed. If my friend knew the circumstances I think he would not interpose an objection.

Mr. HOOKER. I do not see why you can not consider it in Committee of the Whole.

Mr. PERKINS. My object was to avoid the necessity of going into committee. We can consider it in the House just as well. But I withdraw the bill and yield now to the gentleman from Arkansas [Mr. PEEL].

COAL MINING, CHOCTAW NATION.

Mr. PEEL. Mr. Speaker, I desire to call up the bill S. 4398.

The SPEAKER *pro tempore*. The bill will be read, after which the Chair will ask for objection.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of the United States is hereby given, upon the conditions and with the limitations hereinafter set forth, and no farther, to the following-described leases of coal rights which citizens of the Choctaw Nation have made to the Choctaw Coal and Railway Company, a corporation created by the laws of the State of Minnesota, copies of which leases, eleven in number, have been filed and deposited with the Secretary of the Interior, namely:

First. A lease bearing date the 20th day of May, 1889, between James F. Freney and John M. Grady, citizens of the Choctaw Nation, Indian Territory, of the one part, and the Choctaw Coal and Railway Company, of the other part. Recorded in the clerk's office of Gaines County, Choctaw Nation, June 3, 1889, in record-book numbered 1, pages 205 and 214, inclusive.

Second. A lease bearing date the 1st day of August, 1889, between Jonas Durant, John M. Grady, James F. Freney, G. M. Bond, Fritz Sittel, and Robert J. Ward, citizens of Tobucksey and Gaines Counties, Choctaw Nation, Indian Territory, of the one part, and the Choctaw Coal and Railway Company, of the other part. Recorded in record-book numbered —, pages 29, 30, 31, 32, 33, and 34, inclusive, of the records of Gaines County, Choctaw Nation, on the 18th day of August, 1889.

Third. A lease bearing date the 1st day of August, 1889, between Mrs. John Adams, John M. Grady, James F. Freney, G. M. Bond, Fritz Sittel, and Robert J. Ward, citizens of Tobucksey and Gaines Counties, Choctaw Nation, Indian Territory, of the one part, and the Choctaw Coal and Railway Company, of the other part. Recorded in record-book numbered B, pages 24, 25, 26, 27, and 28, inclusive, of the records of Gaines County, Choctaw Nation, on the 19th day of August, 1889.

Fourth. A lease bearing date the 1st day of August, 1889, between Moses Williams, John M. Grady, James F. Freney, G. M. Bond, Fritz Sittel, and Robert J. Ward, citizens of Tobucksey and Gaines Counties, Choctaw Nation, Indian Territory, of the one part, and the Choctaw Coal and Railway Company, of the other part. Recorded in record-book numbered B, pages 18, 19, 20, 21, 22, and 23, inclusive, of the records of Gaines County, Choctaw Nation, Indian Territory, on the 19th day of August, A. D. 1889.

Fifth. A lease bearing date the 1st day of August, 1889, between Ahotubbee, Ishlatubbee, John M. Grady, James F. Freney, G. M. Bond, Fritz Sittel, and Robert J. Ward, citizens of Tobucksey and Gaines Counties, Choctaw Nation, Indian Territory, of the one part, and the Choctaw Coal and Railway Company, of the other part. Recorded in record-book B, pages 12, 13, 14, 15, 16, and 17, inclusive, of the records of Gaines County, on the 19th day of August, 1889.

Sixth. A lease bearing date the 1st day of August, 1889, between Ahotubbee, John M. Grady, James F. Freney, G. M. Bond, Fritz Sittel, and Robert J.

Ward, citizens of Tobucksey and Gaines Counties, Choctaw Nation, Indian Territory, of the one part, and the Choctaw Coal and Railway Company, of the other part. Recorded in record-book numbered B, on pages 18, 19, 20, 21, 22, and 23, inclusive, of the records of Gaines County, Choctaw Nation, on the 15th day of August, 1889.

Seventh. A lease bearing date the 1st day of August, 1889, between John M. Grady, James F. Freney, G. M. Bond, Fritz Sittel, and Robert J. Ward, citizens of Tobucksey and Gaines Counties, Choctaw Nation, Indian Territory, of the one part, and the Choctaw Coal and Railway Company, of the other part. Recorded in record-book numbered B, on pages 1, 2, 3, 4, 5, inclusive, of the records of Gaines County, Choctaw Nation, on the 15th day of August, 1889.

Eighth. A lease bearing date the 1st day of August, 1889, between James Arnature, John M. Grady, as guardian of Henry Freney, a minor, Josiah Gardner, G. M. Bond, and James J. McAllister, by his attorney in fact, Josiah Gardner, all citizens of the Choctaw Nation, Indian Territory, of the one part, and the Choctaw Coal and Railway Company, of the other part. Recorded in record-book numbered B, pages 72 to 76, inclusive, of the records of Tobucksey County, Choctaw Nation, on the 7th day of August, 1889.

Ninth. A lease bearing date the 10th day of June, 1889, between Fritz Sittel, a citizen of Tobucksey County, Choctaw Nation, Indian Territory, of the one part, and the Choctaw Coal and Railway Company, of the other part. Recorded in book B, on pages numbered 106, 107, 108, 109, 110, 111, inclusive, of the records of Tobucksey County, Choctaw Nation, on the 20th day of October, 1889.

Tenth. A lease bearing date the 10th day of June, 1889, between W. B. Pitchlyn and Fritz Sittel, citizens of Tobucksey County, Choctaw Nation, Indian Territory, of the one part, and the Choctaw Coal and Railway Company, of the other part. Recorded in record-book numbered B, on pages 99, 100, 101, 102, inclusive, of the records of Tobucksey County, Choctaw Nation, on the 19th day of October, 1889.

Eleventh. A lease bearing date the 1st day of August, 1889, between Simon James, Robert James, James F. Freney, John M. Grady, G. M. Bond, Fritz Sittel, and R. J. Ward, citizens of Tobucksey and Gaines Counties, Choctaw Nation, Indian Territory, of the one part, and the Choctaw Coal and Railway Company, of the other part. Recorded in record-book numbered B, on pages 102, 103, 104, 105, inclusive, of the records of Tobucksey County, Choctaw Nation, on the 19th day of October, 1889.

The conditions and limitations upon which, and the extent to which, said consent is given are as follows:

First. That neither the lessees, nor any one under them, shall exercise any rights of any kind under or by virtue of any of said leases over, in, or upon an area beyond or outside of 1 square mile.

Second. That no one of said leases shall continue in force for a longer period than thirty years from the passage of this act.

Third. That the lessees, or those holding under them, shall, during the first week of each month, render to the Secretary of the Interior a statement under the oath of its president, or at least one of any joint owners under said lessee, showing the amount of coal taken from the mines covered by said leases as herein prescribed, for the month preceding, and the royalties paid to the said Choctaw Nation, and the individual citizens holding said rights, and the price per ton the same has been sold by those having the right to mine the same under the said leases.

Fourth. That no higher rate per ton than the average rate per ton for which such coal has for the next six months next preceding the 1st day of September, 1890, been sold by said lessees, or those holding under them, shall, during said thirty years, be exacted of any purchaser, except upon the written permission of the Secretary of the Interior.

Fifth. That all the obligations of said leases, except as the same may be herein modified or limited, shall be faithfully preserved and performed by said lessees, or those holding under them, and that no right shall be claimed or exercised in the lands covered by said leases or the surface thereof, except such as shall be proper and necessary for the profitable development and working of the mines therein, and ingress and egress to and from the same, and for the erection and maintenance of necessary and proper machinery for said purposes.

Sec. 2. That the consent hereby given shall in no way impair or affect the rights which any person or persons of the Choctaw Nation of Indians may have had before the passage of this act in and to the subject-matter of said leases. And nothing in this act contained shall be construed as validating, impairing, or in any way affecting the right of the lessors to make the same, or the authority under and by virtue of which they have been executed, or any other lease or leases already or hereafter made.

Sec. 3. That any violation of, or failure to conform to, any of the conditions or limitations herein set forth on the part of said lessees, or those holding under them, shall be taken and deemed to be a forfeiture and revocation of the consent herein given without further action on the part of the United States.

THE SPEAKER pro tempore. Is there objection to the present consideration of the bill?

MR. HOOKER. I would like to inquire if there is any appropriation of money in this bill?

MR. PEEL. None at all.

MR. KERR, of Iowa. What is the object of putting a provision in the bill that the coal shall not be sold beyond a certain price?

MR. PEEL. I can not myself see any special necessity for it.

MR. PERKINS. It is a limitation that it shall not be sold at a higher rate than that.

THE SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

MR. HOOKER. Now let us have an explanation.

MR. PEEL. Well, Mr. Speaker, in short, this company several years ago entered into a contract with several citizens of the Choctaw Nation in leasing these coal-fields. Under the Choctaw constitution the individual citizen who makes a discovery of coal or outcrop of coal or such mineral is the absolute owner. That is incorporated in the body of the constitution; and consequently the lessees entered into several contracts or treaties with the discoverers or citizens of the Choctaw Nation who discovered this coal.

These leases have been duly executed, and they are filed in the Interior Department. Under the laws, however, of the Choctaw Nation there is a right to levy a kind of tribute or fee, a duty or royalty on men carrying on mining operations there. Under the contract with the individual citizen the lessees agreed to give the individual Indian one-fourth of a cent a bushel for all coal taken from the claim. They agreed also to give the nation as a nation a half cent a bushel, which makes three-fourths of a cent a bushel for each bushel mined, which I

understand is the heaviest royalty paid for this purpose in the United States.

This company then built a railroad there for the purpose of transporting their coal, and they have now a large plant and have been operating quite a while. They have about 100 miles of railroad, and have been sending coal to Texas, Kansas, and Arkansas, to the very great advantage of the people. The law of Congress creating a court over there, and also creating the Territory of Oklahoma, gave the citizens a right to enter into contracts; and I myself have no doubt—for I have examined it very closely, and several Senators have examined it, Senator JONES and others—that the law is perfectly clear and that the contract is perfectly valid now. The attorney of the company is satisfied that in a court there would be no trouble about it; but inasmuch as the parties desire to place bonds and perhaps will have to negotiate with English syndicates, they were advised to have a resolution or a bill of some kind giving the assent of the Government formally. This matter was introduced some time ago and referred to our committee, and we gave it a very thorough investigation. We sent it up to the Indian Office and the Commissioner gave it a very thorough investigation. Then the Senate took it up and they remodeled it very considerably and passed it unanimously. I believe there was not a particle of objection in the committee or anywhere else.

MR. KILGORE. Does this bill meet with the approval of the Indian Office?

MR. PEEL. It does.

MR. PERKINS. I will say that I have in my hands almost a hundred telegrams from points in Texas, Oklahoma Territory, the Indian Territory, and my own State praying for the passage of this bill.

MR. PEEL. I will furthermore say that the delegate of the Choctaw Nation is familiar with the provisions of the bill and it is perfectly satisfactory to him.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MR. PEEL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The House bill relating to the same subject was ordered to lie on the table.

SISSETON AND WAHPETON BANDS, SIOUX INDIANS.

MR. PERKINS. I yield to the gentleman from South Dakota [Mr. GIFFORD].

MR. GIFFORD. Mr. Speaker, I desire to present the following Senate bill which I send to the Clerk's desk.

The Clerk read the title of the bill, as follows:

A bill (S. 3216) to ratify and confirm an agreement with the Sisseton and Wahpeton band of Dakota or Sioux Indians, and for other purposes.

MR. GIFFORD. Mr. Speaker, with the permission of the House, I will make a brief statement with regard to this bill.

MR. KILGORE. Let the bill be read.

MR. GIFFORD. It is a long bill, and I will make a brief statement as to its provisions if there is no objection.

THE SPEAKER pro tempore. Without unanimous consent is given the bill will have to be read at length.

MR. GIFFORD. I want to make a brief statement before the bill is read, if I may have unanimous consent to do so. This bill ratifies an agreement made with Indians in South Dakota, something like one thousand Indians, for the cession or opening to settlement of a portion of their reservation. The portion opened to settlement amounts to about 700,000 acres of land—678,000 acres. There are something like 900,000 acres in the total reservation. These Indians have all taken their allotments. They are civilized Indians, not blanket Indians. There remain unallotted for their use and benefit 112,000 acres in round numbers. By the terms of the agreement it is proposed to pay to these Indians the sum of \$2.50 per acre. The agreement is perfectly satisfactory to the Indians and to all the parties concerned. The \$2.50 per acre will be paid back by the settlers, or, in other words, the Government is reimbursed for the value of the land paid to these Indians for the land. It will all be paid back into the Treasury of the United States by the settlers whenever the land is taken and occupied for settlement, which will be at once.

In addition to that there is a provision in the bill paying to these Indians something like \$450,000 in round numbers for back annuities. These Indians were a part of the Wahpeton band in Minnesota. In 1862 the Government stopped their annuities. About that time a certain number of this band enlisted in the Army of the United States. They served under Sully and Sibley in the Indian wars of the Northwest and some of them, I think, went South. A provision in this bill proposes to reinstate the annuities of these loyal Indians, but only of the loyal Indians. That, in substance, is a statement of the provisions of the bill. I do not ask to have the bill read at length unless these gentlemen desire it, or unless it will obviate the necessity of going into Committee of the Whole. I do not care to take up the time of the House.

MR. HOOKER. Does this bill contain an appropriation of money?

MR. GIFFORD. Yes.

MR. HOOKER. Then let it go to the Committee of the Whole.

Mr. GIFFORD. Do you insist upon the objection?

Mr. HOOKER. I think so; yes.

Mr. GIFFORD. I would very much desire to have the bill disposed of before Congress adjourns.

Mr. HOOKER. There is no objection to that. This will not prevent its being considered at all.

Mr. GIFFORD. We will have to withdraw the bill, then, if the gentleman insists.

Mr. PERKINS. I yield to the gentleman from Oregon [Mr. HERMANN] for the purpose of calling up a bill.

RIGHT OF WAY THROUGH THE SILETZ INDIAN RESERVATION.

Mr. HERMANN. Mr. Speaker, I call up for consideration the bill (S. 3963) granting to the Newport and King's Valley Railroad Company the right of way through the Siletz Indian reservation.

The SPEAKER. The Clerk will read the bill, after which the Chair will ask for objection.

The Clerk read as follows:

Be it enacted, etc., That the right of way is hereby granted to the Newport and King's Valley Railroad Company, a corporation organized and existing under the laws of the State of Oregon, for the construction of its railroad through the Siletz Indian reservation, beginning at a point on the easterly line of said reservation where Rock Creek crosses said line and running thence westerly down the valley of Rock Creek and the valley of Siletz River to the western boundary of said reservation at or near the southwest corner thereof.

SEC. 2. That the right of way hereby granted to said company shall be 75 feet in width on each side of the central line of said railroad as aforesaid; and said company shall also have the right to take from said lands adjacent to the line of said road material, stone, earth, and timber necessary for the construction of said railroad; also ground adjacent to such right of way for station buildings, depots, machine-shops, side-tracks, turn-outs, and water stations, not to exceed in amount 300 feet in width and 3,000 feet in length for each station, to the extent of one station for each 10 miles of road.

SEC. 3. That it shall be the duty of the Secretary of the Interior to fix the amount of compensation to be paid the Indians for such right of way, and provide the time and manner for the payment thereof, and also to ascertain and fix the amount of compensation to be made individual members of the tribe for damages sustained by them by reason of the construction of said road; but no right of any kind shall vest in said railway company in or to any part of the right of way herein provided for until plans thereof, made upon actual survey for the definite location of such railroad, and including the points for station buildings, depots, machine-shops, side-tracks, turn-outs, and water stations, shall be filed with and approved by the Secretary of the Interior, which approval shall be made in writing and be open for the inspection of any party interested therein, and until the compensation aforesaid has been fixed and paid; and the surveys, construction, and operation of such railroad shall be conducted with due regard for the rights of the Indians, and in accordance with such rules and regulations as the Secretary of the Interior may make to carry out this provision: *Provided*, That the consent of the Indians to said right of way shall be obtained by said railroad company in such manner as the Secretary of the Interior shall prescribe, before any right under this act shall accrue to said company: *And provided further*, That no greater rate shall be charged upon said road within said reservation for the transportation of passengers or freight than is charged for a like service outside of said reservation.

SEC. 4. That said company shall not assign or transfer or mortgage this right of way for any purpose whatever until said road shall be completed: *Provided*, That the company may mortgage said franchise, together with the rolling-stock, for money to construct and complete said road: *And provided further*, That the right granted herein shall be lost and forfeited by said company unless the road is constructed and in running order across said reservation within two years from the passage of this act.

SEC. 5. That said railway company shall accept this right of way upon the expressed condition, binding upon itself, its successors and assigns, that they will neither aid, advise, nor assist in any effort looking towards the changing or extinguishing the present tenure of the Indians in their land, and will not attempt to secure from the Indian tribes any further grant of land or its occupancy than is hereinbefore provided: *Provided*, That any violation of the condition mentioned in this section shall operate as a forfeiture of all the rights and privileges of said railway company under this act.

SEC. 6. That Congress may at any time amend, add to, alter, or repeal this act.

The SPEAKER *pro tempore*. Is there objection to the present consideration of this bill?

Mr. HOOKER. I would like to have an explanation of this bill made by the gentleman from Oregon.

Mr. HERMANN. This is simply a renewal of an act that was passed about three years ago and signed by President Cleveland, which permitted this company the same period of time that is now asked—two years—in which to build the road. They failed, owing to a financial difficulty, to construct the road in that time; and this is a re-enactment of the same measure and gives them two years in which to succeed if they can. That is the whole history of it. It has met the approval of the Secretary of the Interior.

Mr. HOOKER. Is there an appropriation in this bill?

Mr. HERMANN. Not a dollar; and the interests of the Indians are guarded very thoroughly.

Mr. HOOKER. Is it provided that their assent shall be obtained in a proper manner?

Mr. HERMANN. Their rights are thoroughly guarded, as the gentleman will see from the bill.

The bill was ordered to be read a third time; and it was accordingly read the third time, and passed.

Mr. HERMANN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The House bill of similar title was ordered to lie on the table.

RECONVEYANCE OF CERTAIN LANDS TO ORMSBY COUNTY, NEVADA.

Mr. PERKINS. I ask for the present consideration of the bill (S. 161) to reconvey certain lands to the county of Ormsby, State of Nevada.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to reconvey to the county of Ormsby, in the State of Nevada, the land conveyed to the United States by S. C. Wright in behalf of said county, on the 9th day of July, 1883, for the purposes of an Indian industrial school in pursuance of the act entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1883, and for other purposes," approved June 23, 1883; the Indian Department having rejected said land and the county of Ormsby having conveyed other land to the United States for said school, said rejected land being described as follows, to wit: The northwest quarter of section 8 and the southwest quarter of the southwest quarter of section 5 north, range 20 east, Mount Diablo base and meridian, containing 200 acres.

Mr. PERKINS. The bill explains itself quite clearly.

The SPEAKER *pro tempore*. Is there objection to the present consideration of this bill?

Mr. HOOKER. I will ask the gentleman from Kansas if this bill makes any appropriation?

Mr. PERKINS. None whatever. It simply authorizes the reconveyance to a county in Nevada of land that was conveyed to the United States for the purpose of an industrial school. The land was not accepted. Other lands were conveyed to the Government for school purposes, and now the Government asks to reconvey it back.

The bill was ordered to be read a third time; and it was accordingly read the third time, and passed.

Mr. PERKINS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CONVEYANCE OF ABSENTEE SHAWNEE INDIAN LANDS IN KANSAS.

Mr. PERKINS. I ask unanimous consent for the present consideration of the bill (S. 597) to authorize the conveyance of certain Absentee Shawnee Indian lands in Kansas.

The bill was read, as follows:

Whereas the following-described tracts of land, namely, the east half of the northeast quarter and the southwest quarter of the northeast quarter of section 29, in township 12, range 23 east, and the south half of the southwest quarter of section 5, and the south half of the southwest quarter, and the north half of the southwest quarter, and the northwest quarter of section 8, in township 13, range 22 east, in Johnson County, Kansas, and known as Absentee Shawnee Indian lands, were erroneously set apart and patents therefor improperly issued to Nancy Whitestone, George Silcambus, and Lewis Hayes, Shawnee Indians, who had previously received by patent from the United States the quantity of lands to which they were lawfully entitled; and

Whereas the patents so erroneously issued have not been canceled: Therefore,

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to revoke and cancel said patents, and said Secretary is also authorized to dispose of said lands and issue patents therefor to the settlers located thereon, in accordance with the provisions of "A resolution for the relief of settlers upon the Absentee Shawnee lands in Kansas," approved April 7, 1899, and an act explanatory of said resolution, approved January 11, 1875.

The SPEAKER *pro tempore*. Is there objection to the present consideration of this bill?

Mr. HOOKER. I would like to ask whether this bill contains any appropriation?

Mr. PERKINS. It does not contain any whatever.

Mr. HOOKER. I would like to ask for an explanation of the bill.

It seems that this bill proposes to legislate to settle the question of the right to lands, and to revoke patents which have been issued, and to authorize the Secretary of the Interior to do that. It seems that is legislation which looks like invading the vested rights of people already having that land.

Mr. PERKINS. Mr. Speaker, the explanation is in brief recited in the bill, which is that these patents were issued erroneously by the Secretary of the Interior to these Indians, and that the patents having been issued there was no power in the Secretary to recall them. The Indians did not possess the land and never have been on it. The land was disposed of thereafter under the act recited by the bill, and now the Secretary of the Interior asks for authority to cancel these patents. The bill was prepared in the Secretary's office and came here with the recommendation of the Department. It is legislation that the Department is asking for.

Mr. HOOKER. What is that act to which you refer?

Mr. PERKINS. It is an act approved April, 1869.

Mr. HOOKER. Have the Indians received lands?

Mr. PERKINS. These same Indians have been allowed other lands and the patents issued to them for these lands were erroneously issued; but there is no power in the Department to recall patents, and hence the Department is asking for this legislation here.

Mr. HOOKER. These patents were issued under the act of Congress to which you refer?

Mr. PERKINS. Oh, no. The lands were disposed of to other parties under the act of 1869, and the disposition that was made of them under the act of 1869 is ratified and confirmed by the provisions of this bill after these patents are canceled.

Mr. HOOKER. I would like, Mr. Speaker, to hear the act which is referred to by the gentleman read, so that we may understand what it amounts to before waiving the right to object.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill? The Chair hears none.

Mr. HOOKER. I ask for the rereading of that portion of that act which is referred to in this bill.

The SPEAKER *pro tempore*. The Clerk has not at hand the statute referred to; and the reading of that pertains to debate.

Mr. HOOKER. Then I will ask that the bill be reread.

The bill was again read.

Mr. HOOKER. Mr. Speaker, I would say that the bill seems to look to taking title out of the persons enumerated in the bill without notification to them and without any notification to this House as to what is the character of the resolution referred to in this bill; and I would like the character of the amendatory bill which is made the ground of that resolution explained; and I think that the gentleman having the bill in charge ought to explain to the House what is the purport and effect of that supplemental bill proposed to be carried out by this.

Mr. PERKINS. I would suggest, Mr. Speaker, briefly, that this bill ratifies the title that was conveyed to those settlers under the act of 1869 and a supplemental act; but, in consequence of these patents to these Indians being outstanding, it is a question, of course, whether they have obtained a perfect title. For that reason and in order to perfect their title it is necessary that these patents should be recalled and canceled, and upon their being canceled this bill proposes to confirm the title simply in the settlers who obtained the lands under the act of 1869 and the supplemental act. That is all there is in it. There is a long report there from Senator JONES, of Arkansas, who reported the bill to the Senate. The bill was passed in the Senate without objection, and, as I stated when I was on my feet before, was prepared by the Department and sent here at the request of the Department so that we might relieve the settlers of the embarrassment attending their settlement and occupation of these lands. These Indians were provided for under an allotment that was made to them legitimately.

Mr. KELLEY. These patents were issued to them erroneously.

Mr. PERKINS. That is what I stated before.

The SPEAKER *pro tempore*. Is there objection to the present consideration of this bill? The Chair hears none.

Mr. HOOKER. I was going to make this further suggestion, that it seems to me, because it attempts to make a divestiture of title, that the bill might be very safely guarded for these parties who settled these lands, by giving notice of the revocation, because if they have interest under the law they are entitled to set it out in any court, and they ought to be allowed to do that if they desire.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. PERKINS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

A. J. McCREARY.

Mr. PERKINS. Mr. Speaker, I call up the bill (S. 3721) for the relief of A. J. McCreary, administrator of the estate of J. M. Hiatt, deceased, and for other purposes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to said A. J. McCreary, administrator of the estate of said J. M. Hiatt, survivor of said J. M. Hiatt & Co., late traders for the Osage tribe of Indians, out of any money in the Treasury accruing to said tribe of Indians by act of Congress approved June 16, 1880, the balance of said account, namely, the sum of \$8,380, in full satisfaction of said demand against the said Osage tribe of Indians, on said credit extended to them as aforesaid.

The SPEAKER *pro tempore*. Is there objection to the present consideration of this bill?

Mr. HOOKER. Does it carry an appropriation?

Mr. PERKINS. It carries an appropriation of funds belonging to the Osage Indians, but it carries no appropriation from the Treasury of the United States.

Mr. HOOKER. I think the bill had better be considered in Committee of the Whole.

Mr. PERKINS. It is a question whether the rule requires it to be considered in Committee of the Whole. The Speaker of the House said that, as it did not carry an appropriation from the Treasury of the United States, it would not necessarily be considered in the Committee of the Whole.

The SPEAKER *pro tempore* (Mr. PAYSON). The Chair is of opinion that the appropriation provided for in this bill, being paid out of a specific fund belonging to the Indians, is not such an appropriation of public money as would bring it within the point of order suggested by the gentleman from Mississippi [Mr. HOOKER].

Mr. HOOKER. I make the point of order that all bills making appropriations of money must receive their first consideration in Committee of the Whole.

The SPEAKER *pro tempore*. The Chair overrules the point of order. Is there objection to the present consideration of this bill?

Mr. PERKINS. Subject to the right of the gentleman from Mississippi to object, I ask to have read for his information and the information of the House, the portion of the report which I send to the Clerk's desk.

The Clerk read as follows:

OSAGE AGENCY, IND. T., August 20, 1880.

Hon. COMMISSIONER OF INDIAN AFFAIRS:

SIR: The governor of the Osages and a number of the chiefs have directed or petitioned the honorable Secretary of the Interior to pay a claim of \$16,759.99, due to Hiatt & Co. from same tribe.

As chief of the half-breed band and having a better knowledge, perhaps, of the origin and character of said claim than any other chief, I unite with them in earnestly asking that the claim be promptly paid, as requested. The Indians and others were led to believe that the payment of about \$15 per head in January, 1878, would be continued at substantially that sum.

In that belief I advised H. & Co. to give the Osages a credit for half the sum, knowing that it would greatly accommodate the Indians and believing it would be entirely safe; but the consequent payment and later ones, instead of \$15, have been but little over \$3 per head. Their present needs absorbed this small sum at once, so there has been no time at which it was possible to pay a debt made in good faith, and of which they reaped the full benefit. Knowing their ability to pay their debts, and grateful for the accommodation, the honor and self-respect of the Osages is concerned in the quick and full discharge of the debt.

I have the honor to be, your obedient servant,

SAMUEL BEIVNEW,
Head Chief of Half-Breed Band.

Witness:

J. H. TISDALE.

Mr. PERKINS. Is there objection to the present consideration of this bill?

There was no objection.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. PERKINS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FORT WORTH AND DENVER CITY RAILWAY COMPANY.

Mr. PERKINS, from the Committee on Indian Affairs, reported the bill (S. 3545) to extend and amend an act to authorize the Fort Worth and Denver City Railway Company to construct and operate a railway through the Indian Territory, and for other purposes.

The bill was read, as follows:

Be it enacted, etc., That the provisions of an act approved February 24, 1887, granting the right of way through the Indian Territory to the Fort Worth and Denver City Railway Company, and other purposes, shall be extended for a period of three years from February 24, 1890, so that said company shall have until February 24, 1893, to build the first 60 miles of its railway: *Provided*, That said railway shall start its line on the Fort Worth and Denver City Railway Company at a point between Henrietta and Iowa Park, near the southern boundary of the Indian Territory, and that said railway shall enter and cross into the Indian Territory between the ninety-eighth and ninety-ninth meridians of longitude, and that the said act of February 24, 1888, be, and the same is hereby, amended accordingly, and is in all things else except as herein amended continued in force.

The SPEAKER *pro tempore*. Is there objection to the present consideration of this bill?

There was no objection.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. PERKINS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

KLAMATH RIVER RESERVATION.

Mr. PERKINS. I yield to the gentleman from California [Mr. DE HAVEN].

Mr. DE HAVEN. Mr. Speaker, I ask unanimous consent that the Committee of the Whole on the state of the Union be discharged from the further consideration of the bill (H. R. 113) to provide for the disposition and sale of lands known as the Klamath River reservation, and that the bill be now put upon its passage.

The bill was read, as follows:

Be it enacted, etc., That all of the lands embraced in what was Klamath River reservation, in the State of California, as set apart and reserved under authority of law by an Executive order dated November 16, 1855, are hereby declared to be subject to settlement, entry, and purchase under the laws of the United States granting homestead and pre-emption rights and authorizing the sale of mineral and timber lands, and any person entitled to the benefits of the homestead or pre-emption laws of the United States, who has in good faith made actual settlement upon any such land prior to the passage of this act, with the intent to enter the same under either the homestead or pre-emption law, shall have the preferred right to enter and acquire title to the quarter-section of land so settled upon, and such settler shall have three months after public notice given that such lands are subject to entry within which to file in the proper land office his declaratory statement or other application therefor; and in case of conflicting claims between settlers the land shall be awarded to the settler first in order of time: *Provided*, That any portion of said land more valuable for its mineral deposits than for agricultural purposes or for its timber shall be entered only under the law authorizing the entry and sale of mineral lands: *And provided further*, That the heirs of any deceased settler shall succeed to the rights of such settler under this act.

The Committee on Indian Affairs recommended amendments as follows:

Line 16, strike out the words "quarter-section of."

Line 17, after the word "upon," insert "not exceeding 100 acres, upon the payment therefor of \$1.25 an acre."

At the end of the bill add: "*Provided further*, That the proceeds arising from the sale of said lands shall constitute a fund to be used under the direction of the Secretary of the Interior for the removal, maintenance, and education of the Indians now residing on said lands, and their children."

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DE HAVEN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RAILROAD CROSSINGS IN INDIAN TERRITORY.

Mr. PERKINS. I yield now to my colleague on the committee, the gentleman from Arkansas [Mr. PEEL].

Mr. PEEL. Mr. Speaker, I call up the bill (S. 1904) to provide for railroad crossings in the Indian Territory.

The bill was read, as follows:

Be it enacted, etc., That every railroad corporation created and organized under the laws of the United States, or any of the States thereof, which may now or shall hereafter be authorized to construct and operate a railroad in the Indian Territory, shall have the right to cross, intersect, join, or unite its railroad with any other railroad now constructed or that may hereafter be constructed at any point upon its route and upon the grounds and right of way of such other railroad company, with the necessary turn-outs, sidings, and switches, telegraph and telephone lines, and other conveniences in furtherance of the objects of its construction; and every railroad company whose railroad is or shall be crossed, joined, or intersected by any other railroad shall unite with the owners and corporators of such other railroad in forming such crossing, intersection, and connection, and shall grant to such railroads so crossing, intersecting, or uniting all the necessary facilities for that purpose.

SEC. 2. That if the two corporations or their management can not agree upon the amount of compensation to be made for the purposes set forth in the foregoing section, or the points or manner of such crossings, junctions, or intersections, the corporation desiring to cross, intersect, join, or unite with the other railroads may file its petition in the nearest United States court having jurisdiction of civil causes in said Territory, with a description and map of the place at which said crossing, intersection, or junction is desired, asking to have the damages for said right of way, crossing, intersection, or junction assessed, and upon the filing of such petition, in term time or vacation, the court, or judge thereof in vacation, shall forthwith appoint three disinterested citizens of the United States residing in said Territory as special commissioners to assess said damages, giving preference to those who may be agreed upon by the two parties.

SEC. 3. That the said commissioners shall be sworn by the judge or any officer authorized by law to administer oaths to assess said damages fairly and impartially according to law. They shall appoint as early a day as practicable and a place as near as practicable to said point of crossing or junction for the hearing of the parties, and shall notify each of the parties in writing of the time and place so selected at least five days before the hearing, which notice may be served on any officer, agent, or attorney of said corporation or management of the railroad to be notified, and by any person competent to testify. If notice shall not be perfected at the time set the hearing may be postponed from time to time till service thereof shall be perfected.

SEC. 4. That the said commissioners shall have power to compel the attendance of witnesses and the production of testimony, and to administer oaths.

SEC. 5. That at the time and place appointed the commissioners shall meet and proceed to fully hear the parties interested, and shall assess the actual damages, if any, sustained by reason of the crossing or junction sought; they shall reduce their decision to writing, stating therein the amount of damages, if any, awarded, the amount of costs, with each item thereof, and against which party adjudged, and shall without delay file said statement, with all the papers connected with the case, in the office of the clerk of said court.

SEC. 6. That if the party seeking the crossing or junction shall pay to the other party, or deposit with the clerk of said court for the use of the other party, the damages and costs so assessed and awarded against it, said party shall have the right upon said payment or deposit to enter upon the right of way of the other party, and to cross, intersect, join, or unite its road with the other railroad in accordance with the award.

SEC. 7. That if either party be dissatisfied with the decision of the commissioners it may, within ten days from the filing thereof, file its exceptions thereto in writing, setting forth the particular cause or causes of objection, and thereupon the adverse party shall be summoned, and said cause shall be tried and determined as other causes in said court. But nothing in this section shall be so construed as to deprive the railroad company seeking a crossing from accepting the report of the commissioners and paying into the court the full amount of the award of damages made by the commissioners, and immediately thereafter to cross, intersect, join, or unite with the line of the opposing railway. If no exceptions are filed within said time the judge shall cause the said decision to be recorded in the minutes of his court, and shall make the same judgment of his court, and may issue the necessary process to enforce the same.

SEC. 8. That commissioners shall be entitled to receive for their services \$5 each for every day they are engaged in the performance of their duties, which they shall include in their statement of costs and which shall be paid as such. If the commissioners, or any of them, shall be unable or for any cause fail to act, the court or judge shall appoint a commissioner or commissioners to supply the place or places of those failing to act.

SEC. 9. That the costs of the proceedings before the commissioners and in the court shall be determined as follows, to wit: If the commissioners shall award greater damages than the said company offered to pay before the proceedings commenced, or if exceptions are filed to the decision of the commissioners, as herein provided for, and the judgment of the court is for a greater sum than the amount awarded by the commissioners, then the said company shall pay all costs; but if the amount awarded by said commissioners as damages, or if the judgment of the court shall be for the same or less amount of damages than the amount offered by the company before proceedings were commenced, then the costs shall be paid by the other company.

SEC. 10. That every railroad company operating a railroad in the Indian Territory shall cause all passenger and freight trains running on its road to stop at all points on its road where another railroad crosses, joins, unites, or intersects, and take and receive on said trains all passengers and all freight and mail offered at that point, and shall carry the same, and shall also discharge at said point all passengers desiring to stop there and all freight and mails consigned to said point, and no railroad company shall in any wise discriminate against passengers or freight transported or conveyed by any intersecting railroad company.

SEC. 11. That any railroad company violating any of the provisions of the preceding section shall forfeit and pay to the company or individual injured thereby double the amount of damage which said company or individual may have sustained, to be recovered in any court of competent jurisdiction.

The SPEAKER *pro tempore*. Is there objection to the present consideration of this bill?

Mr. HOOKER. I would like to know whether it carries an appropriation?

Mr. PEEL. No, sir; not a cent.

Mr. HOOKER. This is a pretty sweeping bill, Mr. Speaker. After awhile we shall have a network of railways through the Indian Territory equal to that in the State of Ohio.

The SPEAKER *pro tempore*. Is there any objection to the present consideration of the bill?

There was no objection.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

RED LAKE AND WESTERN RAILWAY AND NAVIGATION COMPANY.

Mr. PERKINS. I call up the bill (S. 3314) granting right of way to the Red Lake and Western Railway and Navigation Company across Red Lake reservation, in Minnesota, and granting said company the right to take lands for terminal railroad and warehouse purposes.

The bill was read, as follows:

Be it enacted, etc., That there is hereby granted to the Red Lake and Western Railway and Navigation Company, a corporation organized under the general laws of the State of Minnesota, of which Frank Ives has been duly elected president, a right of way for a track of said railway 100 feet wide, from the westerly line of said reservation, in township 153 or 153, of range 42 or 43 in said State, in a northeasterly direction, to the Red Lake River, in said State, upon paying to the United States, for the use of the Red Lake band of Chippewa Indians, as soon as the said right of way is located and the plats thereof approved by the Secretary of the Interior, such sum as the Secretary of the Interior may direct, not less than \$1.20 per acre for each and every acre which shall be used and occupied by said company in the location of their said railway.

SEC. 2. That for the purpose of aiding the said company to construct a railway to the navigable waters of said lake, or navigable waters connected therewith, there is hereby granted to the said Red Lake and Western Railway and Navigation Company the right to take and use 330 acres of the lands in said reservation, to be by said company selected at some place or point on Red Lake River on the line of said railway in said State far enough up said river to admit of good and unimpeded navigation by water from said location to Red Lake Indian agency, upon paying to the United States, for the use of said Indians, such sum as the Secretary of the Interior may direct, not less than the sum of \$1.20 per acre for each and every acre thereof, and also whatever amount may be fixed by the Secretary of the Interior for such right and for the damages arising to any individual Indian or Indians for actual improvements which he or they may have thereon: *Provided*, That no part of said lands shall be used, directly or indirectly, for town-site purposes, it being the intention hereof that said lands shall be held for general railway uses and purposes only, including stock-yards, warehouses, elevators, docks, and terminal and other facilities of and for said railway; but nothing herein contained shall be construed to prevent any such railway company from building upon such lands houses for the accommodation of their employees.

SEC. 3. That said location may be made by said company upon a survey made by themselves. And upon the final survey of said lands by the United States and the approval of the plats thereof by the Secretary of the Interior, the said railway company shall, within ninety days, pay for said rights to take land as hereinbefore provided: *Provided*, That within three years from the passage of this act the said railway and navigation company, at their own cost and charge, shall construct a standard-gauge railway from the terminus of the Red River and Lake of the Woods Railway, at St. Hilaire, in the county of Polk, in said State, to the lands so selected and entered and maintain the same in good condition for railroad purposes; otherwise all the rights herein granted shall become null and void, and forfeited to the United States without further action of Congress: *Provided further*, That before these privileges shall become operative the consent of a majority of the male adults of the said Red Lake Chippewa Indians shall be obtained in such form and manner as the President shall prescribe: *And provided further*, That said railroad shall be located, constructed, and operated with due regard to the rights of the Indians, and under such rules and regulations as the Secretary of the Interior may prescribe.

SEC. 4. That Congress may at any time amend, add to, alter, or repeal this act.

The Committee on Indian Affairs recommended an amendment, striking out, in section 2, lines 5 and 6, the words "three hundred and twenty" and inserting in lieu thereof "one hundred and sixty."

The amendment was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

The House bill for the same purpose was laid on the table.

SETTLERS ON CROW CREEK AND WINNEBAGO RESERVATIONS.

Mr. PERKINS. I yield to the gentleman from South Dakota [Mr. GIFFORD].

Mr. GIFFORD. I call up for present consideration the bill (S. 3240) authorizing the Secretary of the Interior to ascertain damages resulting to any person who had settled upon the Crow Creek and Winnebago reservations in South Dakota between February 27, 1885, and April 17, 1885.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior shall designate a special agent of the Interior Department, who shall, as soon as practicable, under the direction of the Secretary of the Interior, make inquiry and report to the Secretary of the Interior upon the claims for losses of all persons who in good faith, between the 27th day of February, 1885, and the 17th day of April, 1885, settled upon and made claims under the land laws of the United States to any of the lands in the Crow Creek and Winnebago reservations, which by the proclamation of the President of February 27, 1885, were declared to be open for settlement. Said agent shall have power to cause witnesses to come before him at some point convenient to said reservation, and to administer oaths. He shall report what improvements were made by such persons, and the section or part of section, with the township and range, upon which said settler made his improvements, the value of the same, the losses sustained by reason of the revocation of the Executive order opening said lands to settlement, giving the particulars of any such losses, and all other facts connected therewith. Said agent shall be entitled to a compensation of \$10 per day and expenses, and may employ a clerk. There is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of \$3,500, or so much thereof as may be necessary. The Secretary of the Interior shall transmit said report to Congress with his recommendations thereon.

Mr. CUTCHEON. Mr. Speaker, it seems to me that this bill makes a new departure. I would like the gentleman who presents it [Mr. GIFFORD] to state what precedent or what reason there is to justify it.

Mr. GIFFORD. Mr. Speaker, there are precedents for legislation of this kind. I would like to explain briefly to the gentleman from Michigan [Mr. CUTCHEON] the facts in regard to the subject-matter of this bill. On the 27th of February, 1885, President Arthur declared a certain portion of the Crow Creek and Winnebago reservation open to settlement. Subsequently some persons settled there and made some improvements. In April following, as stated in the bill, President Cleveland issued a proclamation revoking the order of President Arthur; and these people who had settled there were removed from the reservation.

This bill was recommended by Mr. Vilas when Secretary of the Interior, and by Mr. Atkins while serving as Commissioner of Indian Affairs. It was reported favorably from the House and Senate Committees on Indian Affairs in the Fiftieth Congress, as it has been in the present Congress, and it is recommended by the present Commissioner of Indian Affairs. Its object is simply to ascertain, as stated in the bill, the improvements that were made by these settlers, their location, etc., and the amount of losses sustained by the removal.

Mr. CUTCHEON. What were the dates of those two proclamations?

Mr. GIFFORD. February 27 and April 17, 1885—a period of less than sixty days—about fifty days. This is a question that has been agitated considerably in the Department, and this bill has been recommended by the officials whom I have mentioned, and also by the committees of the two Houses.

Mr. KILGORE. I did not catch clearly the reading of the bill, and I wish to inquire whether it is limited to those who settled on the land between the dates named.

Mr. GIFFORD. It is limited to those who settled there in good faith between those dates.

Mr. CUTCHEON. Can the gentleman give us any idea of the amount of these claims and the number of the claimants?

Mr. GIFFORD. As nearly as can be ascertained, there are forty or fifty parties who went there, took up claims, and settled on these lands. The bill makes no provision for the payment of these claims.

Mr. CUTCHEON. I understand it provides simply for the payment of the agent.

Mr. GIFFORD. That is all.

Mr. CUTCHEON. I am not objecting at present; but I want to draw out some further statements from the gentleman from South Dakota. I remember very well the circumstances connected with the opening of the Crow Creek and Winnebago reservation and the closing of it again by the proclamation of President Cleveland. I know it was currently alleged at the time in the newspapers, and it has been stated to me by gentlemen from Dakota, that there was at the period mentioned a great rush to this reservation, which embraced, as I understand, the choice land of the Indian reservations of Dakota. Persons temporarily staying in the surrounding towns—commercial "drummers" and the like—made one grand rush, impressing all the vehicles that were obtainable to get onto the Crow Creek and Winnebago reservation and stake out claims.

Now, it strikes me that this is a good occasion to go slowly. Before voting upon this bill or finally deciding whether I will object to its consideration I would like the gentleman to give us some idea as to the magnitude of the amount of money which will probably be required to meet these claims.

Mr. GIFFORD. I do not know that I can give any opinion which would be worth anything as to the amount of money that would be necessary. It can not, however, be more than a few thousand dollars, because the bill expressly provides that the claims shall be limited to the improvements which were actually made by these parties.

Mr. WALKER. Within the sixty days?

Mr. GIFFORD. Yes, within the sixty days; this matter is all limited to the period between the dates of the two proclamations. I think the reports in regard to people rushing upon this reservation have magnified the actual facts. The people living around there did make a rush for the reservation; but very few parties from the outside—"drummers" or anybody else—made any rush for the reservation or went upon it. The land in this reservation was undoubtedly choice land; there is no question about that. These improvements of course were principally of a light character—light houses, etc., some of which were moved off.

Now, it is my honest judgment (I was over the reservation immediately after this settlement was made) that these claims can not exceed a few thousand dollars. I should say the amount would be fifteen or twenty thousand dollars or somewhere along there. Of course I can only approximate the amount.

Mr. CUTCHEON. This special agent is to be appointed by the Secretary of the Interior?

Mr. GIFFORD. Yes, sir.

Mr. WALKER. How many people went in there during those sixty days?

Mr. GIFFORD. Of those who took claims and made improvements, I should say fifty or sixty. A great many people went there and drove

stakes, but never made improvements. I am speaking of those who actually made improvements.

Mr. WALKER. Do you not think that every man who went there could bring proof that he made improvements?

Mr. GIFFORD. Oh, no; not at all.

Mr. WALKER. I do not mean to say that all did actually make improvements.

Mr. CUTCHEON. I can only say that this special agent ought to be a very good man.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill?

There being no objection, the House proceeded to the consideration of the bill; which was ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced that the Senate had agreed to the reports of the committees of conference on bills of the following titles:

A bill (S. 3716) to provide for the examination of certain officers of the Army and to regulate promotions therein; and

A bill (S. 5206) granting a pension to Catlena Lyman.

The message also announced that the Senate had passed without amendment bills and joint resolution of the following titles:

A bill (H. R. 11928) defining certain duties of the Sergeant-at-Arms of the House of Representatives;

A bill (H. R. 1117) granting a pension to Sarah E. Palmer;

A bill (H. R. 2002) granting a pension to John C. Morrison;

A bill (H. R. 2420) granting a pension to Julia W. Freeman;

A bill (H. R. 2428) granting a pension to Emily Onderdonk;

A bill (H. R. 3169) for the relief of Alexander F. Dutton;

A bill (H. R. 3796) granting a pension to Abraham Zimmerman;

A bill (H. R. 4179) granting a pension to Nancy J. Dorlos;

A bill (H. R. 4788) to grant a pension to Ann Roberts;

A bill (H. R. 4825) granting a pension to Arthur Connery;

A bill (H. R. 5835) to increase the pension of Mrs. Maria B. Judah;

A bill (H. R. 6052) granting a pension to Martha A. Bowling;

A bill (H. R. 6148) granting a pension to Mrs. Mary J. Sanders, the widow of Thomas A. Sanders, who was a scout in the service of the United States Army in the war of the rebellion;

A bill (H. R. 6338) granting a pension to Eben Muse;

A bill (H. R. 6916) for the relief of Adeline Bly, widow of a soldier of the war of 1812;

A bill (H. R. 7149) granting a pension to Hannah E. Winney;

A bill (H. R. 7375) granting a pension to Mrs. Susan A. Dean;

A bill (H. R. 8088) granting a pension to Thelbert H. Head;

A bill (H. R. 8519) granting a pension to John Frohlin;

A bill (H. R. 8700) granting a pension to Mira Baldwin;

A bill (H. R. 9026) granting a pension to N. W. Leasure;

A bill (H. R. 9225) granting a pension to Theodore L. Alexander;

A bill (H. R. 9245) granting a pension to Louis P. Noros, late of the Jeannette expedition to the Arctic Ocean;

A bill (H. R. 9436) granting an increase of pension to E. T. Hanlon;

A bill (H. R. 9565) granting an increase of pension to Joseph M. Wilson;

A bill (H. R. 9736) granting an increase of pension to Lovey Aldrich;

A bill (H. R. 10398) for the relief of Mary A. Blaisdell;

A bill (H. R. 10810) granting a pension to Samuel S. Humphreys;

A bill (H. R. 10811) granting a pension to Asa Joiner;

A bill (H. R. 10898) to increase the pension of Daniel P. Roberts, late a second lieutenant in Company F of the Third Regiment of Missouri

Volunteers in the war with Mexico;

A bill (H. R. 10985) granting a pension to Isaac N. Jacobs;

A bill (H. R. 11171) granting an increase of pension to Edwin Reeder, late a member of Company A, First Tennessee Infantry, in the war with Mexico;

A bill (H. R. 11457) to increase the pension of Mary Y. Dewees;

A bill (H. R. 11650) granting a pension to Emily Fry;

A bill (H. R. 11726) to increase the pension of Noah Bisbee, formerly private Company K, Eighty-ninth Regiment New York Volunteers; and

Joint resolution (H. Res. 169) authorizing the use of a portion of the United States military reservation at Chattanooga for a public park, in the city of Chattanooga, Tenn.

The message further announced that the Senate had passed, with an amendment in which concurrence was requested, the bill (H. R. 4258) increasing the pension of Francis Gilman.

The message further announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 4416) granting a pension to Thomas Richardson;

A bill (S. 1677) granting a pension to John Speech, private Company B, One hundred and twenty-first United States Colored Infantry;

A bill (S. 2047) granting a pension to Mrs. Esther J. Boone;

A bill (S. 2761) granting a pension to Mrs. Sarah A. Aspdol;

A bill (S. 2808) for the relief of Amos Gilbert;

A bill (S. 3258) granting a pension to Adaline L. Miller;

A bill (S. 3438) for the relief of John K. Hummer;
 A bill (S. 3586) for the relief of Johanna Willoth; and
 A bill (S. 4341) granting a right of way across the Fort Assiniboine military reservation to the Great Northern Railway.

NORTHERN PACIFIC AND YAKIMA IRRIGATION COMPANY.

Mr. PERKINS. I now yield to the gentleman from Washington [Mr. WILSON].

Mr. WILSON, of Washington. I ask unanimous consent for the present consideration of the bill (S. 3745) granting to the Northern Pacific and Yakima Irrigation Company a right of way through the Yakima Indian reservation, in Washington.

The bill was read, as follows:

Be it enacted, etc., That the right of way is hereby granted, as hereinafter set forth, to the Northern Pacific and Yakima Irrigation Company, a corporation organized and existing under the laws of the State of Washington, for the construction of an irrigating canal through the Yakima Indian reservation from a point on the boundary of said reservation in either section 4, 8, 9, or 10, township 12 north, range 18 east of the Willamette meridian, in Yakima County, in the State of Washington; thence extending in a southeasterly direction to a point on the boundary of said reservation at section 17, township 12 north, range 19 east of the said meridian.

SEC. 2. That the right of way hereby granted to said company shall be 75 feet in width on each side of the central line of said canal, as aforesaid; and said company shall also have the right to take from said lands adjacent to the line of said canal material, stone, earth, and timber necessary for the construction of said canal.

SEC. 3. That it shall be the duty of the Secretary of the Interior to fix the amount of compensation to be paid the Indians for such right of way, and for whatever property of said Indians may be taken in the construction of said canal, and provide the time and manner for the payment thereof, and also to ascertain and fix the amount of compensation to be made individual members of the tribe for damages sustained by them by reason of the construction of said canal; but no right of any kind shall vest in said irrigation company in or to any part of the right of way herein provided for until plans thereof, made upon actual surveys for the definite location of such canal, shall be filed with and approved by the Secretary of the Interior, which approval shall be made in writing, and be open for the inspection of any party interested therein, and until the compensation aforesaid has been fixed and paid; and the surveys, construction, and operation of such canal shall be conducted with due regard for the rights of the Indians and in accordance with such rules and regulations as the Secretary of the Interior may make to carry out this provision: *Provided*, That the consent of the Indians to said right of way and compensation shall be obtained by said irrigation company, in such manner as the Secretary of the Interior shall prescribe, before any right under this act shall accrue to said company.

SEC. 4. That said company shall not assign, or transfer, or mortgage this right of way for any purpose whatever until said canal shall be completed: *Provided*, That the company may mortgage said franchise for money to construct and complete said canal: *And provided further*, That the right herein granted shall be lost and forfeited by said company unless the canal is constructed across said reservation within two years from the passage of this act.

SEC. 5. That said irrigation company shall accept this right of way upon the express condition, binding upon itself, its successors or assigns, that they will neither aid, advise, nor assist in any effort looking toward the changing or extinguishing the present tenure of the Indians in their land, and will not attempt to secure from the Indian tribes any further grant of land or its occupancy than is hereinbefore provided: *Provided*, That any violation of the condition mentioned in this section shall operate as a forfeiture of all the rights and privileges of said irrigation company under this act.

SEC. 6. That Congress may at any time amend, add to, alter, or repeal this act.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill?

There being no objection, the bill was ordered to a third reading; and being read the third time, was passed.

The SPEAKER *pro tempore*. In the absence of objection the corresponding House bill will be laid upon the table.

INDIAN INDUSTRIAL SCHOOLS, WISCONSIN, ETC.

Mr. PERKINS. I yield now to the gentleman from Wisconsin [Mr. McCORD].

Mr. McCORD. Mr. Speaker, I move to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (H. R. 11391) for the construction and completion of suitable school buildings for Indian industrial schools in Wisconsin and other States, and put it upon its passage.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and is hereby, authorized and directed to cause one Indian industrial or training school to be established in each of the States of Wisconsin, Michigan, South Dakota, Minnesota, and Montana, at a cost not exceeding \$30,000 for each school, said schools to be as near as practicable molded on the plan of the Indian school at Carlisle, Pa.: *Provided, however*, That no such school shall be established on any Indian reservation whereon Indians are located under an agent.

SEC. 2. That the Secretary of the Interior may select any part or portion of the non-mineral public domain of the United States in either of said States which he may deem necessary and suitable, not exceeding 640 acres, and may, by appropriate order in that behalf made and recorded in the General Land Office, perpetually withdraw such land from sale and entry, and dedicate the same to use as a site for such industrial or training school; and if such portion of the public domain is not found available or suitably located, then the Secretary of the Interior may secure title by purchase, condemnation, or otherwise of a tract of land not less than 200 acres for each of said schools, and upon the site thus selected, acquired, or purchased the Secretary of the Interior shall cause to be erected such buildings and improvements as may in his judgment be best adapted to the purpose in view: *Provided*, That the site for said buildings in the various States shall be as follows:

In Minnesota, on the Pipe Stone reservation;
 In Michigan, in the county of Isabella;
 In South Dakota, near Chamberlain;
 In Montana, convenient to the most prominent railroad center from which all the reservations may be conveniently reached;
 In Wisconsin, near some railroad from which all the reservations may be conveniently reached.

SEC. 3. That the sum of \$150,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be expended by the Secretary of the Interior for the purchase of necessary ground and the erection thereon of buildings, and for such other purposes as he may deem proper in the execution of the provisions of this act, to establish in each of said States a school for the industrial and general education of Indian youth, and at the places in said States herein designated or which may hereafter be designated by the Secretary of the Interior in conformity with the provisions of this act.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill?

Mr. McCORD. Before the question of unanimous consent is submitted I desire to have an amendment considered which will probably obviate objection that may otherwise be made. I send an amendment to the desk which strikes out the States of South Dakota and Montana and leaves it to apply only to Michigan, Wisconsin, and Minnesota.

The SPEAKER *pro tempore*. The Clerk will report the amendment. The Clerk read as follows:

Strike out, in line 6, the words "South Dakota and Montana;" so that it will read: "The States of Wisconsin, Michigan, and Minnesota."

Also strike out lines 20, 21, 22, and 24.
 Also strike out, in section 3, the words "one hundred and fifty," in the first line, and insert "ninety;" so that it will read: "\$90,000."

Mr. McCORD. That leaves but three States provided for in the bill, and appropriates \$30,000 for each school.

I would say here, Mr. Speaker, with your permission, that this is in the line of the policy heretofore pursued in regard to the education of these Indians; and also that there are 3,914 Indian youths of school age in these States now unprovided for in the way of schools.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill?

Mr. KERR, of Iowa. What is the reason these appropriations did not appear in the regular annual Indian appropriation bill? That was a somewhat larger bill than usual at any rate.

Mr. McCORD. I will say to the gentleman that this did not appear in that bill for the reason that the Committee on Appropriations would not consent to incorporate it in that bill, though the schools are asked for and recommended by the Indian Office. They are also very much needed.

Mr. CUTCHEON. Mr. Speaker, I would ask the gentleman if he would not be willing to go a step further with the amendment and reduce the aggregate appropriation to \$75,000 for the three?

Mr. McCORD. That ought not to be done.

Mr. CUTCHEON. In my State the high school, a very fine building, did not cost \$30,000—

The SPEAKER *pro tempore*. The Chair will state that the bill will be open to amendment if the House considers it. Is there objection?

Mr. KERR, of Iowa. I do not like to object, but it seems to me, Mr. Speaker, considering the fact that the Indian appropriation bill was so much larger than usual, and the Committee on Appropriations, as the gentleman says, was opposed to this appropriation, it is hardly fair or proper to call up a bill at an evening session like this when so few members are present.

Mr. LIND. Will the gentleman listen to a brief statement on my part?

Mr. KERR, of Iowa. Certainly.

Mr. LIND. I am familiar with the situation in our State, so far at least as the Pipe Stone reservation is concerned; and I will call the attention of the House to these facts: We have practically taken the lands of the Indians in the Northwest. There are over 800 young Indians in my State of school age who ought to be pupils, but who are not. They are scattered around on little reservations left in various places through the State. The Indians have lost their old mode of existence altogether. They are thrown together and kept together all the time.

This proposition then stares us in the face: Whether we will allow them to grow up as worthless, thriftless beings, a curse to themselves and to the communities in which they live, or shall we give them an opportunity to develop their manhood and womanhood if they have any in them?

Now, in regard to the Indians of Dakota and Minnesota, who are in the exact condition I have described, if you give each of them an opportunity to develop his character, educating his hand at the same time that you educate his mind in industrial schools, you will succeed in making useful citizens; and my own experience has convinced me that teaching an Indian to read is throwing away both time and money. The only way to train the young Indian properly is to educate both his hand and his mind; to make him worth something to himself and the community; and if you do spend a little more money than penurious dispositions would advocate it is money well invested. This is the last and only opportunity the white race has to do justice to the Indians; and so far as this school is concerned it will be a blessing to the Indians themselves as well as to the white people. It will remove the Indians from the influences which are not likely to be of advantage to them, and give the red race an opportunity to develop their character, if there is anything in them.

Take this very Pipe Stone reservation. It is small in extent. It is a reservation given up by the Government for the use of the Indians by all of the treaties from the earliest times. It is the Mecca of the Indians. It is a beautiful spot. There is prairie and a little timber;

there is grass and water; there is the pipe-stone that we find scattered all over the country in mounds and other old Indian works. It is a place where the Indians like to go. It is away from the regular reservation. It will be a success as a school site.

Mr. PERKINS. I am advised by gentlemen that if those who are interested in this bill will consent that it only carry an appropriation of \$25,000 for each of these three schools, \$75,000 in the aggregate, and if no motion be made to reconsider and lay upon the table to-night, no objection will be interposed.

Mr. CASWELL. I was going to say that there was a very good reason why the Committee on Appropriations did not provide for this. It was because the bill had not passed, and therefore the appropriation was not authorized by law.

Mr. KERR, of Iowa. With the understanding stated by the gentleman from Kansas [Mr. PERKINS] I do not object.

The SPEAKER *pro tempore*. The question is upon the amendment proposed by the gentleman from Wisconsin [Mr. McCORD].

Mr. McCORD. I move now, if that amendment is adopted, that the appropriation be cut down from \$90,000 to \$75,000; that is, \$25,000 for each school.

The SPEAKER *pro tempore*. That can be incorporated in the first amendment.

Mr. McCORD. Let that be done, reducing the appropriation from \$90,000 each to \$25,000 each.

Mr. PERKINS. And that the appropriation in the aggregate be \$75,000.

The SPEAKER *pro tempore*. The question is upon the amendment of the gentleman from Wisconsin [Mr. McCORD] as modified.

The amendment as stated was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. PERKINS. Mr. Speaker, I ask for the present consideration of Senate bill 3043.

The Clerk read the title of the bill, as follows:

To amend and further extend the benefits of the act approved February 8, 1887, entitled "An act to provide for the allotment of land in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States over the Indians, and for other purposes."

Mr. PERKINS. The committee have recommended to strike out all after the enacting clause and have reported a substitute. I ask unanimous consent to dispense with the reading of the portion that is stricken out and that the substitute may be read.

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That section 1 of the act, entitled "An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes," approved February 8, 1887, be, and the same is hereby, amended so as to read as follows:

"Sec. 1. That in all cases where any tribe or band of Indians has been, or shall hereafter be, located upon any reservation created for their use, either by treaty stipulation or by virtue of an act of Congress or Executive order setting apart the same for their use, the President of the United States be, and he hereby is, authorized, whenever in his opinion any reservation, or any part thereof, of such Indians is advantageous for agricultural or grazing purposes, to cause said reservation, or any part thereof, to be surveyed, or resurveyed, if necessary, and to allot to each Indian located thereon one-eight of a section of land: *Provided*, That in case there is not sufficient land in any of said reservations to allot lands to each individual in quantity as above provided the land in such reservation or reservations shall be allotted to each individual pro rata, as near as may be, according to legal subdivisions: *Provided further*, That where the treaty or act of Congress setting apart such reservation provides for the allotment of lands in severalty to certain classes in quantity in excess of that herein provided the President, in making allotments upon such reservation, shall allot the land to each individual Indian of said classes belonging thereon in quantity as specified in such treaty or act, and to other Indians belonging thereon in quantity as herein provided: *Provided further*, That where existing agreements or laws provide for allotments in accordance with the provisions of said act of February 8, 1887, or in quantity substantially as therein provided, allotments may be made in such manner as the President, in his discretion, may require: *And provided further*, That when the lands allotted, or any legal subdivision thereof, are only valuable for grazing purposes, such lands shall be allotted in double quantities."

"Sec. 2. That section 4 of said act of February 8, 1887, be, and the same is hereby, amended so as to read as follows:

"Sec. 4. That where any Indian not residing upon a reservation, or for whose tribe no reservation has been provided by treaty, act of Congress, or Executive order, shall make settlement upon any surveyed or unsurveyed lands of the United States not otherwise appropriated, he or she shall be entitled, upon application to the local land office for the district in which the lands are located, to have the same allotted to him or her, and to his or her children, in quantities and manner as provided in the foregoing section of this amending act for Indians residing upon reservations; and when such settlement is made upon unsurveyed lands the grant to such Indians shall be adjusted upon the survey of the lands so as to conform thereto; and patents shall be issued to them for such lands in the manner and with the restrictions as herein provided. And the fees to which the officers of such local land office would have been entitled had such lands been entered under the general laws for the disposition of the public lands shall be paid to them from any moneys in the Treasury of the United States not otherwise appropriated, upon a statement of an account in their behalf for such fees by the Commissioner of the General Land Office, and a certification of such account to the Secretary of the Treasury by the Secretary of the Interior."

"Sec. 3. That where allotments have been made in whole or in part upon any reservation under the provisions of said act of February 8, 1887, and the quantity of land in such reservation is sufficient to give each member of the tribe 80 acres, such allotments shall be revised and equalized under the provisions of this act: *Provided*, That no allotment heretofore approved by the Secretary of the Interior shall be reduced in quantity."

"Sec. 4. That whenever it shall be made to appear to the agent in charge of any reservation Indian that, by reason of age or any other sufficient cause, any allottee under the provisions of said act or any other act or treaty can not personally and with benefit to himself occupy or improve his allotment, or any part thereof, the same may be leased, subject to the approval of the Secretary of the Interior, under such rules and regulations as he may prescribe, for a term not exceeding five years for farming or grazing or ten years for mining purposes: *Provided*, That where Indian lands are not needed for allotment purposes, and where they are not suitable for agricultural or farming purposes, and will not sell to the advantage of the Indians, the same may be leased for a period not to exceed five years for grazing or ten years for mining purposes, in such quantities and upon such terms and conditions as the agent in charge of said reservation may recommend, subject to the approval of the Secretary of the Interior."

"Sec. 5. That for the purpose of determining the descent of land to the heirs of any deceased Indian under the provisions of the fifth section of said act, all children born of cohabitation or marriage according to the custom and manner of Indian life shall be, for the purpose aforesaid, taken and deemed to be the legitimate issue of the parties so living together, and every Indian child otherwise illegitimate shall, for such purpose, be taken and deemed to be the legitimate issue of the parents of such child: *Provided*, That the provisions of this act shall not be held or construed as to apply to the lands commonly called and known as the "Cherokee Outlet." *And provided further*, That no allotment of land shall be made or annuities of money paid to any of the Sac and Fox of the Missouri Indians who were not enrolled as members of said tribe on January 1, 1890, until further action by Congress."

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill?

Mr. KERR, of Iowa. I would like to have a statement as to the extent of the operation of this bill. I also want to understand what is the effect of that provision which excepts the Sac and Fox tribe in the allotment to be made. There are a number of Sac and Fox Indians in my district, some four hundred, and I would not like to have a provision go into any bill that would prevent them from going, if any of them desired to go, to the reservations out there, and getting their share of those lands. If that is the effect, I shall object.

Mr. PERKINS. Oh, no. The object of putting that in the bill was, as I will frankly confess, to exclude from the provision of the allotment act a family by the name of Murphy, residing in the State of Nebraska, that had, since the 1st day of January last, been admitted to citizenship as members of the Sac and Fox Indians residing in the State of Kansas.

The order admitting them has since that time been suspended by direction of the Secretary of the Interior, and the matter is now being instigated. The Indians protested against the admission, and were not willing that these people should share with them the privileges of their annuities or the privileges of their land. The effect of the order admitting them was to confiscate almost one-fourth of all that the Indians had; and the Indians thought it was a grievous wrong. Hence, when this bill was reported providing for these allotments, the committee thought it was but right to exclude this family, for the present at least, from the benefits of the act.

I will say, in answer to an inquiry made by my friend from Mississippi [Mr. HOOKER], that under the existing law heads of families get 160 acres of land allotted to them, but where the head of the family is the husband, under existing law the wife can get nothing. Adults get under existing law 80 acres, and orphan children under existing law get 40 acres; minors who are not orphans get under existing law 40 acres. In consequence of these discriminations or distinctions the Department finds it difficult to execute the present law. The Indians protest against it and think that they all ought to be treated alike, and all to share alike in the allotments not made, and they particularly protest against the provision of the law which discriminates against the wife and mother in the event that the husband and father is living.

To avoid that difficulty and to treat all alike is the object of this legislation, giving to every Indian 80 acres of land where allotments are made, treating them all alike and changing the provision of the law in that particular. It has been recommended by General Whitteley, and he has urged it particularly. It is also urged by those who are interested, as I suggested early in the evening, in this Indian work. The agent of the Indian Rights Protection Association, who has been in the city watching legislation almost all winter, has been to me repeatedly urging the passage of this bill, and the Commissioner of Indian Affairs has also urged the passage of similar legislation. He personally is not particular whether the amount be 160 acres or 80 acres, but he thinks the law ought to be changed so as to give each Indian the same amount and treat them all alike.

The SPEAKER *pro tempore*. Is there objection?

Mr. HOOKER. I would like to ask the gentleman to state whether this act does not very materially change the features of the act of 1887 as to the amount of land to be allotted to each one of the Indians.

Mr. PERKINS. As I explained, the act of 1887 gives to the head of a family 160 acres; it gives nothing to the wife in the event that the husband is living. It gives every adult 80 acres; it gives orphan children 80 acres, and to children who are not orphans 40 acres, and makes that distinction; while this bill gives every Indian, man, woman, and child alike, 80 acres. The Indian Department has found great difficulty in executing the present law, because of this discrimination and distinction. The Indians themselves think all ought to be treated alike.

Mr. CUTCHEON. Is this a Senate bill?

Mr. PERKINS. It is a Senate bill, although the House committee has recommended some amendment. Hence it is not exactly the Senate bill.

Mr. KERR, of Iowa. I shall object unless the provision is eliminated excluding non-resident Indians from any right in the selection of lands.

Mr. PERKINS. I think my friend did not understand the reading of the provision of which he speaks. It does not say "non-resident Indians." If the Clerk will report that feature of the bill again, I think my friend will find he does not object to it.

The last proviso of the bill was again read.

Mr. KERR, of Iowa. I doubt very much whether these Indians are enrolled, though they have been in Iowa for nearly twenty years.

Mr. PERKINS. They are enrolled as members of their own tribe.

Mr. KERR, of Iowa. I object to the consideration of this bill unless this is clearly understood.

Mr. PERKINS. I would state to the gentleman that this bill has to go to the Senate for consideration; and, if he finds it is not what he desires, there will be ample opportunity to be informed of its effect. The bill will not receive consideration in the Senate this session, and he can go to the Senate and have made such amendments as he thinks necessary.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill? The Chair hears none. The question is on the amendment proposed by the committee.

The amendment was agreed to.

The bill as amended was ordered to be read the third time; and it was accordingly read the third time, and passed.

ORDER OF BUSINESS.

Mr. PERKINS. If my friend from Mississippi [Mr. HOOKER] still insists that these two bills that carry small appropriations shall be considered in the Committee of the Whole, then I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of those bills. I hope, however, that my friend will not insist. One of the bills carries only \$10,000 and the other \$25,000.

Mr. HOOKER. I think they had better be considered in Committee of the Whole.

The SPEAKER *pro tempore*. The question is on the motion that the House resolve itself into Committee of the Whole House on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. LIND in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the consideration of such bills as may be presented by the chairman of the Committee on Indian Affairs.

REDUCTION OF ROUND VALLEY INDIAN RESERVATION.

Mr. PERKINS. I ask for the consideration of the bill which I send to the desk. I ask that the title simply be read, as the bill was read at length in the House.

The Clerk read as follows:

A bill (S. 2782) to provide for the reduction of the Round Valley Indian Reservation, in the State of California, and for other purposes.

Mr. PERKINS. That bill was not read. I thought I had sent the other bill up. I ask for the reading of the bill.

The bill was read, as follows:

Be it enacted, etc., That the President of the United States be, and he hereby is, authorized and directed to cause the agricultural lands in the Round Valley Indian reservation, in the State of California, to be surveyed into 10-acre tracts, and to allot the same in severalty to the Indians belonging thereon, under the provisions of the act of Congress approved February 8, 1887, entitled "An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes:" *Provided,* That he may cause said agricultural lands to be allotted in such quantities and to such classes as he may deem expedient and for the best interests of said Indians: *And provided further,* That a sufficient quantity of said agricultural lands shall be reserved for agency, school, and mission purposes. In addition to the allotments of agricultural lands to said Indians in severalty, there shall be reserved a reasonable amount of grazing and timber lands for their use, to be used by said Indians in common, or the President may at any time, in his discretion, cause the same to be allotted in severalty under the provisions of said act of February 8, 1887, in such quantities and to such classes as he may deem expedient. Said grazing and timber lands shall be selected by a commission of three disinterested persons to be selected by the President.

Sec. 2. That said commission shall appraise the value of any and all tracts of agricultural lands within the Round Valley Indian reservation, with the improvements thereon, which have become the property of individuals by purchase from the State of California or from persons deriving title from said State, and shall also appraise the value of all improvements made by private persons or firms, before the 3d day of March, 1873, upon any of the lands included in the reservation as established under the act of Congress approved March 3, 1873, other than those actually disposed of by said State of California, and within the lands selected and retained for the Indians, under the provisions of this act, and shall report the same to the Secretary of the Interior, who shall cause payment to be made for such appraised lands and the improvements thereon, and also for such improvements as may be located upon the lands selected for the Indians in common, or upon any of the unappraised agricultural lands within the reservation, as hereby established, to the proper owners thereof, out of the money hereinafter appropriated. Upon payment of the appraised value of such appraised lands and improvements or upon tender of payment, the title to said lands shall become vested in the United States, and all persons to whom such payment or tender of payment shall be made, and all persons claiming through or under them, shall immediately remove from the reservation as herein established; and upon failure to remove within a period of sixty days after said payment or tender of payment, the military forces of the United States, if necessary, may be employed to effect their removal.

SEC. 3. That the remainder of the grazing and timber lands included in the reservation as at present existing shall be surveyed into tracts of 640 acres each, and the boundary lines of the reserved lands shall be run and properly marked. Upon the completion of said surveys the said remainder of the grazing and timber lands shall be appraised in tracts of 640 acres each by a commission of three disinterested persons, to be appointed by the President, which commission shall also appraise all improvements placed upon said tracts before the 3d day of March, 1873, and determine the ownership thereof. The said appraisements shall be subject to approval by the Secretary of the Interior. The said land when surveyed and appraised shall be sold at the proper land office of the United States, by the register thereof, at public sale after due notice, to the highest bidder, at a price not less than the appraised value, and not less than one dollar and a quarter per acre. Each purchaser at such sale shall pay the full purchase price at time of purchase. Any person or persons having appraised improvements upon any of said tracts shall have preference right to purchase the tract or tracts upon which said improvements are located at the appraised value thereof. Upon failure of any such person or persons to purchase a tract upon which his or their improvements are located, said tract and improvements shall be sold at not less than the appraised value, and an amount equal to the appraised value of the improvements shall be paid to the owner or owners of such improvements.

SEC. 4. That the funds arising from the sale of said reservation lands, after paying the expenses of survey, appraisement, and sale and reimbursing the United States for payment of lands and improvements, as provided in section 2 of this act, shall be placed in the Treasury of the United States to the credit of said Indians, and the same shall draw such rate of interest as is now or may be hereafter provided by law, which income shall be annually expended for the benefit of said Indians, under the direction of the Secretary of the Interior: *Provided,* That an amount not exceeding one-tenth of the principal sum may be also expended for their benefit during any fiscal year, if deemed necessary by the Secretary of the Interior.

SEC. 5. That the sum of \$25,000, or so much thereof as may be necessary, be, and the same hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, for the payment of the expenses of the survey, appraisement, and sale of said lands, and for the appraisement of lands, and improvements, and payment of the same.

SEC. 6. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Mr. PERKINS. Unless there is some inquiry, I shall ask that the bill be favorably reported to the House.

Mr. KILGORE. I did not understand the reading of the bill clearly; but it occurs to me that it is laying the foundation for a very considerable expenditure, much more than any \$25,000. But that is not what I had in my mind when I rose. My idea is that the Indians, under these laws, are to get the proceeds of this land in excess.

Mr. PERKINS. The excesses are to be appraised and sold at not less than the appraised value.

Mr. KILGORE. Why not have the revenue derived from that sale pay the expenses, and pay this \$25,000, instead of taxing the balance of the people of the United States?

Mr. PERKINS. Personally, I do not know that I would have any objection to it. The objection to it, however, is that it would necessitate the bill going back to the Senate for consideration, and at this time of the session I hope it will not be done, for that reason and for that reason only. A bill of this character has passed in the Senate four times, and has been reported three times from our committee, twice at prior sessions of Congress; but it has never reached consideration in the House.

Mr. KILGORE. It contemplates the accumulation of the fund in the Department, which is to bear interest, for the benefit of the Indians; and I think that this expenditure ought to be paid for out of that fund.

Mr. PERKINS. Personally, I would have no objection to that.

Mr. CUTCHEON. Mr. Chairman, I hope that amendment will not be made. I think this ought to be borne by the Government of the United States. The story of these Round Lake California Indians is a story that ought to bring the blush of shame to the cheek of every American citizen. They have been outraged and trespassed upon and wronged, and driven from pillar to post until they have lost a very large part of what originally belonged to them. This compensation for their lands that is proposed by this bill is but a meager measure of justice to these people, and I think that the expenses of making this allotment and sale ought not to be charged against them, but the people of the United States ought to bear it.

I have taken some interest in the story of these Indians for years past, and I trust that the cost of making this allotment and protecting them in the remnant of their lands which still remains to them will not be charged against their fund, but will be charged against the Government, that ought to have protected them in times past, but did not.

Mr. PERKINS. Mr. Chairman, I move that the bill be laid aside to be reported to the House with the recommendation that it do pass.

The motion was agreed to.

MISSION INDIANS, CALIFORNIA.

Mr. PERKINS. I ask for the consideration of the bill (S. 2783) for the relief of the Mission Indians, in the State of California. This bill was read at length in the House and, if there be no objection, I ask that the reading in committee be dispensed with. The bill carries an appropriation of \$10,000.

Mr. HOOKER. Let the bill be read.

The Clerk proceeded to read the bill.

Mr. PERKINS (interrupting the reading). Mr. Chairman, I ask unanimous consent to dispense with the further reading of the bill, as it was read in full in the House.

Mr. HOOKER. It will have to be read by sections at any rate, in order that we may offer the amendments that we desire to offer.

Mr. PERKINS. I ask leave to withdraw the bill.
There was no objection.

ORDER OF BUSINESS.

Mr. PERKINS. I move that the committee do now rise.
The motion was agreed to.

The committee accordingly rose; and the Speaker *pro tempore* (Mr. PAYSON) having resumed the chair, Mr. LIND, from the Committee of the Whole, reported that they had had under consideration the bill (S. 2782) to provide for the reduction of the Round Valley Indian reservation in the State of California, and for other purposes, and had instructed him to report it to the House with the recommendation that it do pass.

Mr. PERKINS. Mr. Speaker, I ask that the bill be now considered and ordered to a third reading.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. PERKINS. Mr. Speaker, I move to reconsider the votes by which the several bills have passed, with the exception of the bill called up by the gentleman from Wisconsin [Mr. McCORD], which, it was understood, should go over until to-morrow; and I move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The House then, upon motion of Mr. PERKINS (at 10 o'clock and 30 minutes p. m.), adjourned.

EXECUTIVE AND OTHER COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following communications were taken from the Speaker's table and referred as follows:

EXPENSES OF THE INTERNATIONAL AMERICAN CONFERENCE.

A communication from the Secretary of State, transmitting a statement of the disbursements of the appropriations for the expenses of the International American Conference—to the Committee on Expenditures in the State Department.

INTERNATIONAL AMERICAN CONFERENCE.

A communication from the Secretary of State, transmitting a report of the discussions of the International American Conference, accompanied by appendices in reference to other matters regarding that conference—to the Committee on Foreign Affairs.

OFFICIAL MINUTES OF THE INTERNATIONAL AMERICAN CONFERENCE.

A communication from the Secretary of State, transmitting the official minutes of the International American Conference—to the Committee on Foreign Affairs.

RESOLUTIONS.

Under clause 3 of Rule XXII, the following resolutions were introduced and referred as follows:

By Mr. WHITING:

Whereas the present policy of Congress is to protect and foster the interests of American labor as against foreign labor brought into competition therewith, as is shown by the alien contract labor law and by legislation now pending before Congress and which has received favorable consideration by the House; and

Whereas under our laws Canadian labor, where contracted for, is prohibited from coming into competition with American labor on the borders between the two countries, and numerous arrests having been made during past years because of the infringement or attempted infringement of such laws in this respect; and

Whereas under the present rulings of the Treasury Department numerous towns and cities located on Georgian Bay, in Lake Huron, and on the St. Clair and Detroit Rivers, on the Canadian side of the frontier, are being built up and benefited, and a large amount of labor given to Canadians through the handling of American business and traffic on Canadian territory which could be handled on the American side of the frontier with equal advantage to the producer, shipper, and consumer, and with direct and positive benefit to American towns and cities and to American labor; and

Whereas this condition of fact exists through the system which prevails of permitting United States customs officers to be stationed at different points in Canadian territory for the purpose of bonding, sealing, and manifesting cars or other vehicles in said Canadian territory, instead of in American territory, the stationing of these officers being at the request solely of foreign railroads, and for the convenience and financial advantage of the same, officers being now stationed at various points on Georgian Bay, in Lake Huron, and at Canadian towns and cities on the frontier, on the St. Clair and Detroit Rivers; and

Whereas the larger proportion of the traffic as aforesaid is in grains shipped from Chicago and other lake ports on the great northwestern lakes via vessels to Canadian ports, where the same is unloaded into Canadian elevators and from there loaded into cars of foreign railroads for carriage over said railroads to and over connecting American railroads to points in the United States; and Whereas, inasmuch as the freight rates from Chicago and other lake ports via vessel to American ports on the frontier, and from thence by reshipment over foreign and American railroads to a point in the United States, are the same as via the Georgian Bay route, and inasmuch, therefore, as the American shipper, producer, and consumer would have no added rate of freight to pay for having this business done on American territory, as against the present system, which benefits directly the foreign interests and foreign labor, and as the facilities for handling such business on the American side are ample or can be made so, to meet the demands of such traffic: Therefore,

Be it resolved, That the Committee on Commerce be, and is hereby, directed to take under consideration and thoroughly investigate the subject-matter with a view to informing the House as to whether the necessities of commerce of this character require the transshipment, warehousing, or elevating of this American traffic in Canadian territory, and as to whether the proper carrying out of

the system of transportation of goods or merchandise in bond from one point in the United States to another point in the same, over the territory of a contiguous foreign country, whether carried wholly by rail or partly by water and partly by rail, requires that such bonding, sealing, and manifesting be done in Canadian territory instead of in American territory, and as to whether such practice is as conducive to the interests of American capital and labor, and to the safety of the revenue and the proper enforcement of the interstate commerce act, as would necessarily be the case if such transshipment, warehousing, or elevating, and such bonding, sealing, and manifesting were done wholly on American territory, and under what law or treaty this practice is permitted to be done;

to the Committee on Commerce.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, reports of committees were delivered to the Clerk and disposed of as follows:

Mr. O'NEILL, of Pennsylvania, from the Committee on the Library, reported favorably the bill of the Senate (S. 3643) to provide for the building of a memorial structure at Marietta, Ohio, commemorative of the settlement of the Northwestern Territory, accompanied by a report (No. 3217)—to the Committee of the Whole House on the state of the Union.

Mr. BROWNE, of Virginia, from the Committee on Commerce, reported favorably the bill of the House (H. R. 7033) authorizing the Secretary of the Treasury to award a gold medal of the first class to J. B. Wheaton, of Virginia, for rescuing three lives from drowning, accompanied by a report (No. 3218)—to the Committee of the Whole House.

Mr. LA FOLLETTE, from the Committee on Ways and Means, reported favorably the bill of the House (H. R. 6186) authorizing the refunding of the duties paid on a painted glass window imported by the rector of St. Mary's Church, county of Harford, State of Maryland, accompanied by a report (No. 3219)—to the Committee of the Whole House.

Mr. THOMPSON, from the Committee on the Judiciary, reported favorably the bill of the House (H. R. 11003) to detach the county of Logan, in the State of Ohio, from the northern and attach it to the southern judicial district of said State, accompanied by a report (No. 3220)—to the House Calendar.

Mr. BAKER, from the Committee on Commerce, reported with amendment the bill of the House (H. R. 12042) to authorize the construction of a tunnel under the waters of the bay of New York, between the town of Middletown, in the county of Richmond, and the town of New Utrecht, in the county of Kings, in the State of New York, and to establish the same as a post-road, accompanied by a report (No. 3221)—to the House Calendar.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported favorably the bill of the Senate (S. 1619) for the relief of St. Cecelia's Academy, accompanied by a report (No. 3222)—to the Committee of the Whole House.

Mr. VAN SCHAIK, from the Committee on Public Buildings and Grounds, reported with amendment the following bills of the Senate; which were severally referred to the Committee of the Whole House on the state of the Union:

A bill (S. 167) for the erection of a public building at Reno, State of Nevada. (Report No. 3223.)

A bill (S. 166) for the erection of a public building at Virginia City, State of Nevada. (Report No. 3224.)

Mr. POST, from the Committee on Public Buildings and Grounds, reported favorably the bill of the House (H. R. 3423) to authorize the Secretary of the Treasury to accept fountain and lamp from city of Frankfort, Ky., accompanied by a report (No. 3225)—to the House Calendar.

Mr. DE LANO, from the Committee on Pensions, reported favorably the bill of the Senate (S. 1724) granting a pension to Charlotte Stenger, accompanied by a report (No. 3226)—to the Committee of the Whole House.

Mr. PERKINS, from the Committee on Indian Affairs, reported favorably the bill of the House (H. R. 9934) to extend and amend an act to authorize the Fort Worth and Denver City Railway Company to construct and operate a railway through the Indian Territory, and for other purposes, accompanied by a report (No. 3227)—to the House Calendar.

BILLS AND JOINT RESOLUTIONS.

Under clause 3 of Rule XXII, bills and a joint resolution of the following titles were introduced, severally read twice, and referred as follows:

By Mr. CALDWELL: A bill (H. R. 12164) to amend section 4707 of the Revised Statutes, relating to pensions to dependent relatives—to the Committee on Invalid Pensions.

By Mr. OWEN, of Indiana: A bill (H. R. 12165) to provide for arrears of pensions and for other purposes—to the Committee on Invalid Pensions.

By Mr. MILLER: A bill (H. R. 12166) for the erection of a monument in commemoration of the negro Union soldiers of the war of the rebellion—to the Committee on the Library.

By Mr. CARUTH: A bill (H. R. 12167) to amend section 5 of an act approved June 7, 1878, entitled "An act regulating the appointment of justices of the peace, commissioners of deeds, and constables within and for the District of Columbia, and for other purposes"—to the Committee on the District of Columbia.

By Mr. BURROWS: A bill (H. R. 12168) to repair and build the levees of the Mississippi River, to improve its navigation, to afford ease and safety to its commerce, and to prevent destructive floods—to the Committee on Levees and Improvements of the Mississippi River.

By Mr. MILLER: A bill (H. R. 12169) for the erection and maintenance of a home for indigent and aged ex-slaves of the United States of America—to the Committee on Appropriations.

By Mr. MASON: A bill (H. R. 12170) amendatory to an act to establish an American flag, approved April 14, 1818—to the Committee on the Library.

By Mr. MILLER: A joint resolution (H. Res. 233) authorizing the transfer of clerks, copyists, and computers from the Census Bureau to any other Department of the Government—to the Select Committee on the Eleventh Census.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the following change of reference was made:

A bill (H. R. 11950) for the relief of the estate of Phineas Burgess, deceased—Committee on War Claims discharged, and referred to the Committee on Naval Affairs.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. BURTON: A bill (H. R. 12171) for the relief of certain mail-carriers in the post-office at Cleveland, Ohio—to the Committee on Claims.

By Mr. CHEATHAM: A bill (H. R. 12172) granting a pension to Mary Norman—to the Committee on Invalid Pensions.

By Mr. GEAR: A bill (H. R. 12173) granting a pension to Lucinda Delaplain—to the Committee on Pensions.

Also, a bill (H. R. 12174) to amend the military record of Burt Noyes—to the Committee on Military Affairs.

Also, a bill (H. R. 12175) for the relief of R. A. Schellhaus—to the Committee on War Claims.

By Mr. HEARD (by request): A bill (H. R. 12176) for the relief of the estate of Mary E. Neale, deceased—to the Committee on Claims.

By Mr. HERMANN: A bill (H. R. 12177) to increase the pension of Arethusa Wright—to the Committee on Invalid Pensions.

By Mr. McCOMAS: A bill (H. R. 12178) granting a pension to Greenberry Diggs—to the Committee on Invalid Pensions.

By Mr. POST: A bill (H. R. 12179) to remove the charge of desertion from the military record of T. C. Thomas—to the Committee on Military Affairs.

By Mr. SWENEY: A bill (H. R. 12180) for the relief of Charles J. Werner—to the Committee on Military Affairs.

By Mr. WHEELER, of Alabama: A bill (H. R. 12181) for the relief of the heirs of John F. Alexander—to the Committee on War Claims.

Also, a bill (H. R. 12182) for the relief of Mrs. B. Gordon—to the Committee on War Claims.

Also, a bill (H. R. 12183) granting a pension to Mrs. Rebecca Livingston—to the Committee on Pensions.

Also, a bill (H. R. 12184) for the relief of John C. Nance—to the Committee on Pensions.

Also, a bill (H. R. 12185) for the relief of William C. Tidwell—to the Committee on Military Affairs.

A bill (H. R. 12186) for the relief of Mrs. Camila Tills—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BAYNE: Resolutions of Chamber of Commerce of Pittsburgh, Pa., for such provision as will prevent overflows of the Mississippi River—to the Committee on Rivers and Harbors.

Also, resolutions from the same body, against granting use of the north pier at Buffalo, N. Y., to a private corporation—to the Committee on Commerce.

By Mr. CARUTH: Papers to accompany an act to amend section 5 of an act approved June 7, 1878, in relation to the appointments of notaries public in the District of Columbia—to the Committee on the District of Columbia.

Also, two petitions from the Board of Trade of Louisville, Ky., and of D. C. & H. C. Reed, asking for the passage of House bill relating to post-office boxes at railroad stations—to the Committee on the Post-Office and Post-Roads.

By Mr. McDUFFIE: Petition of Mrs. Mary E. Austin, widow of John H. Austin, deceased, of Decatur, Ala.—to the Committee on War Claims.

By Mr. PAYNE: Petition to the United States Congress for the re-

lief by special act of Cornelius Marsh, late of Company H, Ninth New York Artillery—to the Committee on Invalid Pensions.

By Mr. STOCKDALE: Petition of A. J. Powell and 23 others, of Lawrence County, Mississippi, asking passage of House bill 7162—to the Committee on the Judiciary.

By Mr. WHEELER, of Alabama: Petition of Joseph C. Bureliff, on claim for property taken during the late war—to the Committee on War Claims.

Also, petition of James E. Schmisser, of Madison County, Alabama, for reference of his claim to the Court of Claims under act of March 3, 1883—to the Committee on War Claims.

SENATE.

TUESDAY, September 30, 1890.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

GEORGIANA W. VOGDES.

Mr. QUAY. Before proceeding with the regular order I desire to move the concurrence of the Senate in the House amendment to a private pension bill which is lying on the table. It is Senate bill 3532.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 3532) granting a pension to Georgiana W. Vogdes, which was, in line 5, before the word "dollars," to strike out "fifty" and insert "thirty."

Mr. QUAY. The effect of the amendment is to reduce the pension from \$50 to \$30 a month.

Mr. COCKRELL. Fifty dollars was passed by the Senate, I understand.

Mr. QUAY. Yes; and the House substituted \$30. I move that the Senate concur in the amendment of the House of Representatives. The motion was agreed to.

PAY AND MILEAGE DEFICIENCY.

Mr. HALE. I ask that the little deficiency bill from the House of Representative which came in yesterday be laid before the Senate.

The bill (H. R. 12163) making an appropriation to supply a deficiency in the appropriation for compensation of Members of the House of Representatives and Delegates from Territories was read twice by its title.

Mr. HALE. I ask that action be taken upon the bill now.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to appropriate \$10,316 to supply a deficiency in the appropriation for compensation and mileage of Members of the House of Representatives and Delegates from Territories for the fiscal year ending June 30, 1890.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. MORGAN subsequently said: I wish to enter a motion to reconsider the vote by which the House bill 12163 was just passed. I do not care to call it up immediately.

The VICE-PRESIDENT. The motion to reconsider will be entered.

HOUSE BILLS REFERRED.

The bill (H. R. 10475) to prevent desecration of the United States flag was read twice by its title, and referred to the Committee on Military Affairs.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented the memorial of Samuel Turbutt, of Baltimore, Md., remonstrating against the passage of a national bankruptcy bill; which was ordered to lie on the table.

Mr. BLAIR presented a petition of citizens of Milford, Mass., praying for the passage of the bill granting arrears of pay for Government employes who worked over eight hours a day; which was ordered to lie on the table.

Mr. EVARTS presented resolutions of a mass meeting of citizens of the city of New York, favoring the passage of House bill 6449 declaring eight hours a legal day's work for clerks in first and second class post-offices; which were referred to the Committee on Post-Offices and Post-Roads.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills:

A bill (S. 161) to reconvey certain lands to the county of Ormsby, State of Nevada;

A bill (S. 597) to authorize the conveyance of certain Absentee Shawnee Indian lands in Kansas;

A bill (S. 1904) to provide for railroad crossings in the Indian Territory;

A bill (S. 2782) to provide for the reduction of the Round Valley Indian reservation in the State of California, and for other purposes;

A bill (S. 3545) to extend and amend "An act to authorize the Fort Worth and Denver City Railway Company to construct and operate a railway through the Indian Territory, and for other purposes;"

A bill (S. 3280) authorizing the Secretary of the Interior to ascertain damages resulting to any person who had settled upon the Crow Creek and Winnebago reservations in South Dakota between February 27, 1885, and April 17, 1885;

A bill (S. 3745) granting to the Northern Pacific and Yakima Irrigation Company a right of way through the Yakima Indian reservation in Washington;

A bill (S. 3863) granting to the Newport and King's Valley Railroad Company the right of way through the Siletz Indian reservation; and

A bill (S. 4398) giving, upon conditions and limitations therein contained, the assent of the United States to certain leases of rights to mine coal in the Choctaw Nation.

The message also announced that the House had passed the following bills, each with an amendment in which it requested the concurrence of the Senate:

A bill (S. 3043) to amend and further extend the benefits of the act approved February 8, 1887, entitled "An act to provide for the allotment of land in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States over the Indians, and for other purposes;"

A bill (S. 3314) granting right of way to the Red Lake and Western Railway and Navigation Company across Red Lake reservation, in Minnesota, and granting said company the right to take lands for terminal railroad and warehouse purposes; and

A bill (S. 3481) granting a pension to Martha N. Hudson.

The message further announced that the House had passed a bill (H. R. 11391) for the construction and completion of suitable school buildings for Indian industrial schools in Wisconsin and other States; in which it requested the concurrence of the Senate.

REPORTS OF COMMITTEES.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the bill (H. R. 11304) granting a pension to Mary Jane Blackledge, reported it without amendment and submitted a report thereon.

SUMMARY MILITARY COURTS.

Mr. HAWLEY. By instruction of the Committee on Military Affairs I report favorably the bill (H. R. 7989) to promote the administration of justice in the Army. It is a bill to which there can be no possible objection. It merely recommends the appointment of minor courts in the Army. I hope the Senate will concur with the House in the passage of the bill. There is a single verbal amendment.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The VICE-PRESIDENT. The amendment of the Committee on Military Affairs will be stated.

The CHIEF CLERK. In section 1, line 10, strike out "in" before "court;" so that the bill shall read:

Be it enacted, etc., That hereafter in time of peace all enlisted men charged with offenses now cognizable by a garrison or regimental court-martial shall, within twenty-four hours from the time of their arrest, be brought before a summary court, which shall consist of the line officer second in rank at the post or station or of the command of the alleged offender, and at stations where only officers of the staff are on duty the officers second in rank shall constitute such court, who shall have power to administer oaths and to hear and determine the case, and when satisfied of the guilt of the accused party adjudge the punishment to be inflicted, etc.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. HAWLEY. The correction is merely of an error in copying the bill. The word "in" was inserted by mistake. I move that the Senate request a conference with the House of Representatives on the bill and amendment.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. HAWLEY, Mr. MANDERSON, and Mr. WALTHALL were appointed.

ADDITIONAL CLERK TO COMMITTEE ON ENROLLED BILLS.

Mr. JONES, of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. SANDERS on the 27th instant, reported a substitute; which was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Enrolled Bills be, and the same is hereby, authorized to employ an additional clerk during the remainder of the present session and for three days after its expiration, at a compensation of \$5 per diem, to be paid out of the contingent fund of the Senate, upon vouchers to be approved by the chairman of the Committee to Audit and Control the Contingent Expenses of the Senate.

SELECT COMMITTEE ON IRRIGATION.

Mr. JONES, of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. STEWART on the 25th instant, reported it

without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Select Committee on Irrigation and Reclamation of Arid Lands be continued during the present Congress.

LIST OF PRIVATE CLAIMS.

Mr. JONES, of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. SPOONER on the 26th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Senate cause to be prepared an alphabetical list of all private claims which have been before the Senate, with the action of the Senate thereon, since the 4th day of March, 1881, and up to the 4th day of March, 1891, and that he communicate the same to the Senate when completed.

UNITED STATES FISH COMMISSION.

Mr. JONES, of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the following resolution submitted by Mr. STOCKBRIDGE June 5, 1890, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Fisheries in the investigation of the administration of the affairs of the United States Fish Commissioner's office, ordered by the resolutions of the Senate of the 31st instant, be authorized to employ a stenographer, and that the expenses of the investigation be paid out of the contingent fund of the Senate.

CHEROKEE OUTLET INVESTIGATION.

Mr. JONES, of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the following resolution, submitted by Mr. BUTLER April 15, 1890, reported it without amendment:

Resolved, That the resolution of the Senate passed on the 26th day of February, A. D. 1891, be, and the same is hereby, amended so as to read: "That the Select Committee on the Five Civilized Tribes of Indians be, and it is hereby, authorized and empowered to investigate the status of the negotiations between the United States Government and the Cherokee tribe of Indians in relation to the tract of country known as the Cherokee Outlet, with power to send for persons and papers, to employ a stenographer, and to administer oaths, and that they have leave to hold sessions of said select committee during the sessions, and to visit by subcommittee the Indian Territory at the earliest day practicable to continue said investigation, and as soon as may be report to the Senate; all necessary expenses incurred under the authorization of this resolution to be paid out of the contingent fund of the Senate."

Mr. DAWES. Is that a new resolution?

The VICE-PRESIDENT. It is reported from the Committee on Contingent Expenses.

Mr. DAWES. Let it go over.

The VICE-PRESIDENT. The resolution will be placed on the Calendar.

PAY OF SESSION CLERKS.

Mr. JONES, of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. MORGAN on the 29th instant, reported the following substitute; which was considered by unanimous consent, and agreed to:

Resolved, That the per diem clerks to the committees of the Senate and the clerks to Senators be retained in the service of the Senate during the coming recess, and that the Secretary of the Senate be hereby authorized and directed to pay out of the contingent fund of the Senate the per diem now allowed such clerks by law during the sessions of the Senate.

HEARINGS BEFORE COMMITTEE ON TERRITORIES.

Mr. JONES, of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. PLATT July 3, 1890, reported the following substitute; which was considered by unanimous consent, and agreed to:

Resolved, That the expenses of reporting the hearings given by the Committee on Territories on Senate bills 654, for the admission of Idaho into the Union; 2446 and 3575, for the admission of New Mexico into the Union, and 3480, relating to the exercise of the elective franchise in the Territory of Utah, be paid out of the contingent fund of the Senate.

BILLS INTRODUCED.

Mr. SAWYER (by request) introduced a bill (S. 4448) for the relief of the administrator of Daniel S. Mershon, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. DANIEL. I beg leave, by request of George O. Jones, chairman of the national Greenback party, to present his petition for an increase of the legal-tender currency, and by a like request I introduce the accompanying bill. I beg leave to state that I do not mean thereby to express any opinion upon the measure, but simply offer it as a duty due to a citizen who desires it.

The bill (S. 4449) to enable the Government to pay its debts, salaries, pensions, and other current expenses by issuing United States legal-tender notes now as it did during the late civil war, until the volume of money in actual circulation will revive business and give permanent prosperity to the American people was read twice by its title, and referred to the Committee on Finance.

GEORGE W. G. ESLIN AND MICHAEL SHINER.

Mr. BARBOUR submitted the following resolution; which was referred to the Committee on the District of Columbia:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to cause the proper accounting officers of the District of Columbia to examine and audit the claims of the legal representatives of the estate of George W. G. Eslin, deceased, and Michael Shiner, deceased, and to certify to Congress the sums due for work done for the District of Columbia, and the amount paid, so as to show the balance due said estates.

TARIFF COMPILATION.

Mr. ALDRICH submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Ordered, That the Committee on Finance have authority to collate, index, and print such testimony as may be on file with the committee in connection with the bill H. R. 9416, together with any other data relative to tariff matters they may deem valuable, the expense therefor to be paid from the contingent fund of the Senate.

LANDS IN SEVERALTY TO INDIANS.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 3043) to amend and further extend the benefits of the act approved February 8, 1887, entitled "An act to provide for the allotment of land in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States over the Indians, and for other purposes."

The amendment of the House of Representatives was to strike out all after the enacting clause and insert a substitute.

Mr. PLUMB. I think that the amendment had better be printed in order that it may be understood more fully by Senators.

Mr. DAWES. I move that the Senate non-concur in the amendment of the House of Representatives, and ask for a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. DAWES, Mr. PLATT, and Mr. MORGAN were appointed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the bill (S. 3721) for the relief of A. J. McCreary, administrator of the estate of J. M. Hiatt, deceased, and for other purposes.

The message also announced that the House had passed a bill (H. R. 113) to provide for the disposition and sale of lands known as the Klamath River reservation; in which it requested the concurrence of the Senate.

ORDER OF BUSINESS.

Mr. ALLEN. I should like to ask unanimous consent to call up Order of Business 1969, House bill 9630, which is local to the State of Washington, and its immediate passage is a matter of great importance.

Mr. PLUMB. I shall have to object to that unless opportunity is offered to amend it.

Mr. ALDRICH. I move that the Senate proceed to the consideration of the conference report on House bill 9416.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2990) for the relief of J. L. Cain and others.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1454) to increase the efficiency and reduce the expenses of the Signal Corps of the Army and to transfer the weather service to the Department of Agriculture.

The message further announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 1910) for the relief of Isaac H. Wheat;

Joint resolution (H. Res. 153) providing for printing the fifth annual report of the Commissioner of Labor; and

Joint resolution (H. Res. 218) to allow the Postmaster-General to expend \$10,000 to test at small towns and villages the system of the free-delivery service, and for other purposes.

The message also announced that the House had passed the following bills:

A bill (S. 2562) to authorize the appointment of Asst. Surg. Thomas Owens, United States Navy, not in the line of promotion, to the position of surgeon, United States Navy, not in the line of promotion, and for other purposes; and

A bill (S. 3817) for the protection of actual settlers who have made homestead or pre-emption entries upon the public lands of the United States in the State of Florida upon which deposits of phosphate have been discovered since such entries were made.

THE REVENUE BILL.

The Senate proceeded to consider the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9416) to reduce the revenue and equalize duties on imports, and for other purposes.

The VICE-PRESIDENT. The question is on concurring in the report of the committee of conference.

Mr. CARLISLE. Mr. President, it is not my purpose at this time to discuss, except perhaps incidentally, the economic theory upon which this bill is constructed or the general principles which, in my opinion, ought to govern Congress in the exercise of the great power of taxation delegated to it by the Constitution. This important measure is now about to pass entirely from our hands and beyond our control, and a discussion of those questions can not be undertaken without neglecting this first and last opportunity to state as accurately as possible what its main provisions are as perfected by its framers, and what its probable effect will be upon the people of the country at large.

Nor is it my purpose to attempt to state what the effect of this measure will be upon the public revenue, because it would be impossible to do so with any degree of accuracy; but I can state, and will endeavor to state, approximately at least, what its effect will be upon taxation. So far during this discussion no member of the Committee on Finance has ventured even to express an opinion as to what effect the bill will have upon the revenues of the Government.

Mr. ALDRICH. I think the Senator from Kentucky—

The VICE-PRESIDENT. Will the Senator from Kentucky yield?

Mr. CARLISLE. Except the Senator from Iowa [Mr. ALLISON], who in the course of a speech upon the subject of the expenditures of the Government reviewed this subject to some extent.

Mr. MORGAN. That was before the conference report was made.

Mr. CARLISLE. And that was before the conference report was made; so that my statement, to be strictly accurate, should be that no member has made this attempt since the conference report was made and the bill has assumed its final form.

EFFECT OF THE BILL ON TAXATION.

In the statement submitted by the committee with the bill when it was reported to the Senate, or rather in a note appended to that statement, it was said that—

The reduction above given, of \$71,064,774 by the House or \$60,599,343 by the Senate, appears to be certain, but if the imports should be the same as last year under the new rates the reduction would amount, under the House bill, to \$26,128,642; under the Senate, to \$20,318,283.

The statement that the bill as it then stood would effect almost certainly a reduction of the revenue to the extent of over \$60,000,000 was true only upon the hypothesis that every increase of duty made upon articles still remaining in the dutiable schedule was absolutely prohibitory to the full extent of the increase, and that no reductions made in the rates of duty upon articles still remaining in the dutiable schedules would have the effect to increase to any extent the importation of those articles hereafter, for unless this hypothesis is correct the bill as it then stood would have made no reduction in the revenue to be hereafter received by the Government upon the basis of the importations during the fiscal year 1889, and as it now stands will make an increase upon the amount of importations during that year to the extent of nearly \$4,000,000, as I shall proceed to show.

This sum of \$60,599,343 was the precise amount which the bill as it then stood placed upon the free-list, and of this, \$56,000,000 in round numbers consisted of sugar and molasses, leaving about \$4,500,000 as the reduction occasioned by the removal of other articles from the dutiable to the free list; and I desire to say here that the bill as it now stands, excepting sugar and molasses, removes from the free-list and places upon the dutiable-list more than it takes from the dutiable-list and places upon the free-list. According to these tables, which the Senator from Rhode Island admitted yesterday are imperfect, and necessarily imperfect because the expert who made them could use only such facts and data as were contained in the official statistics, there was an increase in the duties upon the articles still remaining on the dutiable-list of \$40,281,060.59; that is to say, according to these tables the articles still remaining upon the dutiable-list yielded to the Government during the fiscal year 1889 a revenue amounting to \$161,498,846, and under the proposed bill, as it then stood, the same articles according to the tables would yield to the Government, upon the same importations, a revenue of \$201,689,917, or \$40,281,060 more than was collected from the same articles in the year 1889. But these tables, on account of the absence of official data, omit increases in the rates and amounts of duty which, according to the best estimate I can procure, would yield upon the importations of 1889, \$19,209,760, and the Senate, by its action upon the bill, together with the action of the conference committee, added to that \$4,895,033.94, making a total addition to the rates of duty upon articles still remaining in the dutiable-list of \$64,385,854, as against \$60,599,343 reductions, thus showing a net increase of taxation upon the people under the customs law of \$3,786,510 notwithstanding the abolition of the duty on sugar and molasses; and this is not by any means all, because there are other large increases made in this bill which can not be calculated for the want of the requisite data. In many cases where ad valorem rates have been changed

to specific or compound, and where duties upon yards have been changed to duties upon the weight of the article, it is impossible to make anything like accurate calculations, because quantities and values can not be correctly ascertained.

Mr. President, let it be understood that I am not contending that the revenues of the Government will be actually increased to the extent stated, because many of these duties are absolutely prohibitory, and according to the statement submitted by the Committee on Finance from which I have read this is confessedly a bill to reduce the revenues by increasing taxation. While, therefore, it will not increase the revenues to this extent, it will increase taxation upon the people many times this amount by enhancing the prices of articles of domestic production similar to the imported articles upon which increased rates of duty are imposed in the bill.

THE FREE-LIST.

It was said by the Senator from Ohio [Mr. SHERMAN] yesterday that this bill placed more than half our importations upon the free-list, but afterwards, upon a suggestion made by the Senator from Rhode Island [Mr. ALDRICH], he qualified that statement by the presentation of figures which showed that nearly half—about \$25,000,000 less than half—of our importations would now be placed upon the free-list. Mr. President, neither of the statements is correct. The total value of our importations during the fiscal year 1889, which is the basis upon which all these calculations are made, was over \$741,000,000, and according to the tables submitted the total valuation of the goods imported subject to duty under this bill will be over \$390,000,000; but since those tables were made the Senate and the conference committee have taken articles which then stood upon the free-list and placed them upon the dutiable-list of the value of more than \$10,000,000.

Mr. ALDRICH. Will the Senator be kind enough to state what those articles are?

Mr. CARLISLE. Bristles, amounting to over \$1,000,000; tin in bars, blocks, and pigs, amounting to nearly \$9,000,000, and many other smaller items, all of which, taken together, increase the amount taken from the free-list and placed upon the dutiable-list since these tables were made over \$10,000,000, making, therefore, the total value of dutiable articles hereafter to be imported under this bill, upon the basis of 1889, more than \$400,000,000, and placing upon the free-list articles of the value of \$341,000,000, not near one-half of the whole importations; and it must be remembered that \$83,388,286 of this sum consists of sugar and molasses alone.

AVERAGE RATE OF DUTY—THE ADMINISTRATIVE BILL.

It may not be inappropriate in this connection, Mr. President, to state what will be the average ad valorem rate of duty upon our importations, dutiable and free, under this bill. If I am correct in the statements heretofore made—and I can furnish the evidence whenever it is required, and may perhaps with the permission of the Senate append to my remarks a statement showing the increases which are not stated in the tables—upon the basis of the importations of 1889 the customs duties will be over \$225,000,000, and the average rate of duty upon dutiable articles under its provisions will be 57.70 per cent., without making any calculation whatever as to the effect of the ninth section of the customs administrative act which was passed during this session, and which will, upon a reasonable estimate, add from 4 to 5 per cent.

Then, unless all my calculations are at fault, the average rate of duty under this bill and the administrative act will be over 60 per cent. upon the dutiable articles instead of 45.13 per cent., as it is under the present law.

Moreover, Mr. President, if the Senator from Rhode Island will take the articles now remaining upon the dutiable-list after deducting sugar and molasses, he will find that the average rate of duty upon those articles alone in 1889 was only a little over 41 per cent. while the average rate of duty upon the same articles under this bill, as I have said, will be over 60 per cent.—an increase of about 50 per cent. in the average rate of duty. It was sugar and molasses then included in the dutiable-list which raised the average ad valorem rate in 1889 to 45.13 per cent., and those articles being deducted the average ad valorem upon the remaining articles was only a little over 41 per cent. The average rate of duty upon all importations to this country, dutiable and free, under existing law is 29 per cent., but the average rate of duty under this bill upon all importations into this country, dutiable and free, will be over 30 per cent. The Senator from Rhode Island shakes his head. If I am correct in the statement of the increases made in the rates of taxation and in the aggregate amount of revenue to be collected, or rather of taxation to be imposed, the average rate on the whole importations, dutiable and free, will be 30 per cent. Taking the increases as they stand in the tables, which the Senator himself admits are imperfect, the average rate of duty would not be what I have stated either upon the imported dutiable articles or upon articles dutiable and free, but when the necessary corrections are made the result I have stated follows inevitably as a mere matter of mathematics.

INCREASES ON NECESSARIES.

Then, Mr. President, this enormous increase in taxation is made mainly upon articles in common use among our people, and which they are compelled to buy. There is an increase of more than \$10,000,-

000 in the metal schedule, upon iron and steel and their manufactures, two articles which lie at the very base of all our industries, and without which scarcely any useful occupation can be carried on in this country. There is an increase of nearly \$14,500,000 in the woolen schedule which embraces a large and absolutely necessary part of the clothing of our people, rich and poor alike, in every part of the country. There is an increase of \$1,976,385 in the cotton schedule, and an increase of more than \$5,000,000 in the flax and linen schedule—two other schedules which embrace a large and important part of the clothing of the people. There is an increase of \$8,735,351 upon tin-plate which enters into the manufacture of a great number of useful articles, giving employment to thousands of laborers in almost every State in the Union, and there is an increase of \$1,357,042 upon block, bar, and pig tin, the raw material used in the manufacture of tin-plate, which of course will increase its price to the people, because it will increase the cost of production. There is an increase of \$671,995 on cotton-ties, an article which is used exclusively by the farmers, white and colored, in the South.

INTERNAL REVENUE—REDUCTION OF TOBACCO TAX.

Mr. President, no man can predict what the effect of this enormous increase will be upon the taxation of the people, nor can any man predict what its effect will be upon the revenues of the Government. All we certainly know is that the very purpose, in fact the sole purpose and object of the imposition of these increased rates of duties upon these necessities of life, is to increase the price of the domestic product so as to enable in some cases, as it is claimed, new industries to be established here, and in others to enable old industries to realize larger profits. To compensate the farmers and mechanics for these great increases of taxation upon their tools and implements of trade, and upon their cotton and woolen and linen clothing, the bill proposes to repeal internal-revenue taxes to the amount of \$5,897,380 on manufactured tobacco, snuff, and on dealers in these articles.

Heretofore we have been told by our Republican friends that the internal-revenue taxes upon tobacco ought to be repealed entirely, and during the last two or three years, while the Democratic party controlled the House, there was a great and persistent demand here and at the other end of the Capitol to have them removed. The Senator from Ohio [Mr. SHERMAN], who spoke yesterday in advocacy of this bill which proposes to reduce the tax upon manufactured tobacco and snuff only 2 cents per pound, or from 8 to 6 cents, has heretofore been an ardent advocate of the repeal of the whole tax. This proposition to reduce the taxes upon manufactured tobacco and snuff to the extent of 2 cents a pound will, in my judgment, afford no relief to any man in this country and be beneficial to nobody except the manufacturer and the retail dealer, who will divide the amount between them. No producer of tobacco and no consumer of tobacco will be benefited, in my judgment, to the extent of 1 mill, for the man who purchases in small quantities will pay hereafter exactly the same price he has paid heretofore.

The Senator from Ohio said in a speech delivered before the Home Market Club in February, 1889:

The direct taxes upon American productions, levied by our internal-revenue laws, which interfere with the industry of our people, should be modified or repealed; that in this way the revenues of the Government should be reduced so as to supply only enough revenue to pay the expenses of the Government wisely and economically administered, and to carry out the provisions of the sinking fund for the gradual reduction of the public debt.

It seems the sinking fund is to be entirely ignored hereafter, judging from the statements made by Senators on the other side of the Chamber; and, in fact, payments upon the public debt will necessarily cease after the expiration of the present fiscal year, if not before, by reason of the extravagant appropriations made by this Congress for other purposes.

The Senator from Ohio then proceeded to say, in the speech referred to:

I know that at any time in the last Congress taxation could have been reduced but for the desire of the Speaker of the House and the President to strike at home industries rather than to reduce taxation. A majority of the House, though Democratic, would have passed in an hour a bill reducing taxation if it had been permitted by the Speaker to vote upon a reduction of internal rather than external taxes.

This, Mr. President, was an entirely legitimate political criticism upon the action of the Speaker, and I do not quote it for the purpose of making complaint, but simply for the purpose of showing the great anxiety which then existed on the part of the Senator from Ohio to repeal these internal-revenue taxes; and yet when he and his party have the control of both Houses of Congress and the Executive office the proposition is made simply to reduce the tax 2 cents a pound, and that was rejected here and conceded by the conference committee after long hesitation because it was demanded by the House of Representatives. The Senate Finance Committee and the Senate itself struck out every provision making reductions of internal-revenue taxation, and this compromise comes from the committee of conference.

REDUCTION OF REVENUE WHOLLY DUE TO DECREASED TOBACCO TAX.

But after deducting from the increase in customs taxation the \$5,897,380 which is the amount of internal-revenue taxes repealed, there is a net decrease of revenue under this bill, according to the receipts for 1889, of \$2,110,870; and that is the final result of this prolonged effort to revise the tariff and reduce the revenues of the Government, in the

language of the Senator from Ohio, to a point sufficient only to supply the demands of the Government honestly and economically administered—about \$2,000,000 reduction, and all that comes from the internal revenue.

SUGAR BOUNTIES—NEW DEPARTURE.

But sugar and molasses are placed upon the free-list, and the voters of the country are to be reconciled to the enormous increases upon other necessities of life by the promise that the bill will give them cheaper sugar. In lieu of this tax upon sugar the bill proposes, as it comes from the conference committee, to pay out of the public Treasury a bounty of 1½ cents a pound upon all sugar polarizing between 80 and 90 degrees and 2 cents a pound upon all sugar polarizing over 90 degrees, which will amount, according to the present production of sugar in this country, to between seven and eight million dollars per annum.

This is the first time in our history, Mr. President, when it has been proposed to pay out of the public Treasury a bounty to the domestic producer of any article not exported, and never heretofore has it been proposed to pay out of the public Treasury a bounty upon any article actually exported unless it was manufactured in whole or in part from foreign duty-paid materials. The first tariff act passed by Congress imposed a duty upon salt and provided that there should be allowed, in lieu of a drawback upon salted and pickled fish and salted provisions thereafter exported, the sum of 5 cents on each quintal of fish and 5 cents on each barrel of provisions, and we have now upon the statute-books laws under which drawbacks are paid upon the exportation of articles manufactured in whole or in part from imported materials. In lieu of these payments allowed by the act of 1789, the act of 1792 provided that there should be a bounty paid upon vessels engaged in the fisheries of \$1.50 per ton on a vessel exceeding 20 and not exceeding 30 tons, and \$2.50 on vessels exceeding 30 tons.

But this bounty was not paid for the purpose of encouraging the production or the catching of fish, because it was not made to depend to any extent whatever upon the number or quantity of fish caught. The sole policy of the act was to encourage American citizens to learn the art of seamanship, which in those days of sailing vessels was a matter of the very gravest importance to a young nation struggling to establish an efficient navy, but the mere catching of fish was a matter of little importance and did not, in the estimation of anybody, rise to the dignity of a public necessity. This bounty was to be justified, it justifiable at all, upon the same principle which underlies our legislation establishing Naval and Military Academies for the education of officers for the Army and the Navy and maintaining them at the public expense—a purely public object, and not a private one.

BOUNTY ENTIRELY FOR SUGAR MANUFACTURER—NOTHING FOR FARMER OR LABORER.

Moreover, Mr. President, under that bounty act the money was divided between the owners of the vessels and the laborers upon them, the laborers receiving five-eighths of the money and the owner of the vessel three-eighths. Under this bill the laborer is entirely ignored in the distribution of the bounty and all the money is to be paid to the capitalist, the manufacturer of sugar, the man who is able to own and operate the expensive machinery necessarily used in that business. Nor is any part of this bounty to be paid to the grower of beets or sorghum or sugar-cane, but every dollar of it will go to the manufacturer who makes sugar from those materials. But it may be argued that the producer of beets and sorghum and cane who is not able to own the necessary machinery to convert them into sugar will receive higher prices for his products. That can not be, for, in the first place, the farmer can not control and never has been able to control the prices of his products; and, in the second place, the manufacturer of beet-sugar—and that is the article for which this encouragement is mainly intended—will be compelled to sell his sugar in the open markets of the country in competition with the sugar made from cane and sorghum, and he will not pay to the farmer who sells his beets one cent more for his material than its value, as material, compared with the value of the material from which other sugar is made. Neither will the consumer receive any benefit from this bounty. He will not get his sugar one cent cheaper than he would if no bounty were paid, because the bounty-paid sugar produced in this country will sell in the markets at the same price precisely as the duty-paid refined sugar which comes here from other countries, but the consumers will be taxed seven or eight million dollars per annum to be paid as a gratuity to the manufacturers, and to this extent their sugar will cost them more than it would have cost without the bounty.

Mr. President, this is an entirely new departure in the application of the doctrine or principle of protection in this country, and is an imitation of the policy adopted by the monarchical and paternal governments of Europe, France, Germany, Belgium, and Austro-Hungary. In Germany, however, the Government, instead of paying out of the public treasury a sum, as we shall have to pay, amounting to seven or eight million dollars per annum, previously collected from the people, actually realized in 1889 a net revenue amounting to more than \$7,000,000, after paying all the bounties upon exported sugar. Under the laws of that country an excise tax is imposed upon the beets, called a material tax, and an excise tax, called a consumption tax, is imposed upon all the sugar withdrawn from the refineries and consumed by the

German people, and the bounty is paid simply to the exporter. After deducting from the revenue raised by this taxation all the payments made in the form of bounties there remains a balance every year of between seven and eight million dollars in favor of the Government.

DISCRIMINATING SUGAR DUTY VIOLATIVE OF OUR TREATY STIPULATIONS.

Now, we propose in this bill, as I have already said, to pay a bounty of 1½ cents a pound upon certain grades of sugar and 2 cents per pound upon another grade, and then we propose to impose a duty under the bill as it comes from the conference committee of five-tenths of a cent per pound upon all sugar above No. 16 Dutch standard in color and an additional or discriminating duty of one-tenth of 1 cent per pound upon all such sugars imported into this country from countries which pay a higher bounty upon refined sugars than they pay upon the sugars of a lower grade.

Under this provision all the manufacturers of consumable beet, sorghum, or cane sugar in this country, made from domestic material—not the growers of the beets, sorghum, or cane, but the manufacturers of sugar in this country—will receive out of the public Treasury, at the expense of all the people, 2 cents per pound upon all their sugar polarizing over 90 degrees, and be protected besides by a duty of six-tenths of 1 cent per pound, or 60 cents per hundred pounds, against all the beet-sugar which comes here from Germany, France, Austria, and Belgium, because those are the countries which pay export bounties, and this is proposed to be done in open and flagrant violation of our treaty stipulations with every one of those countries. We have a treaty with Austro-Hungary, with Belgium, with Prussia—I see the Senator from Rhode Island [Mr. ALDRICH] smiles. Perhaps he thinks that a treaty with Prussia has no binding force, but if there is any question made upon that point, I think it can be demonstrated as a rule of public law that so long as the German Empire, of which Prussia has become a part, does not itself enter into treaties with us abrogating or modifying the previously existing treaties with the principalities and kingdoms which now compose it, those treaties remain in full force. It is true, of course, that when a government is extinguished, destroyed by conquest or otherwise, all its existing treaties fall to the ground. But we have treaties with these great beet-producing and bounty-paying countries, except France, from which all our beet-sugar must come, which expressly in terms forbid us to impose any higher rates of duty upon their products imported into this country than we impose upon the products imported from any other foreign country; and, in violation of these solemn stipulations, this bill proposes to make a clear discrimination against their trade, to break our treaties for the benefit of the manufacturers of domestic sugars.

SUGAR BOUNTIES UNCONSTITUTIONAL.

I have said that this is an entirely new departure in the application of the protective system in this country, and therefore it may not be improper to consider now as briefly as possible the question whether Congress has the power to tax all the people of the country for the purpose of raising money to be paid to individuals engaged in a particular industry and in a particular locality; because there are wide areas of this country in which no American citizen can possibly receive any of this money. There is a very large proportion of our country in which none of these materials can possibly be produced, and therefore every man who lives within that area is as effectually excluded from a participation in this bounty as if the bill itself had expressly provided that he should not receive it. The question, therefore, whether or not Congress has the constitutional right to appropriate money to promote the general or common welfare is not necessarily involved. Many of our citizens, more than half, perhaps as many as two-thirds, being absolutely, for geographical and climatic reasons, excluded from all participation in this bounty, it must go only to the manufacturers of cane sugar in Louisiana, to the manufacturers of sorghum sugar in Kansas, and to the manufacturers of beet sugar in a few other States of the Northwest, all whom constitute but the merest fraction of our total population.

Mr. President, there is no possible ground upon which the constitutionality of this provision can be maintained except that Congress has a right to impose taxes and raise money to be appropriated for the purpose of promoting the general welfare, and that this is a proposition to promote the general welfare within the meaning of the Constitution. That what is usually known as the general-welfare clause of the Constitution is not of itself a distinct and substantive grant of power is conceded by everybody. But the proposition contended for on the other side, or which must be contended for in order to sustain this provision, is that the power of appropriation is greater than the power of legislation, and that Congress may raise money by taxation to be expended for purposes not embraced in the enumeration of powers delegated to it. Even that proposition, however, may be true and still this legislation would not be valid, because in order to bring it within the terms of such a proposition it must be for the promotion of the general or public welfare and not local or private in its application. It has been held by all the courts without exception in the States, and by the United States circuit and Supreme Courts, that there can be no lawful or valid taxation except for public purposes, and that the validity of the legislation always depends upon the question whether the purpose is public or merely private or local.

I have here a great number of decisions, and had intended to make some citations from them, and perhaps may do so yet, but the proposition that taxation is invalid, or rather that it is not taxation at all unless it is imposed for a purely public purpose, has never been disputed in any court in this country so far as I know; and it has been held to be invalid without regard to constitutional prohibitions, because the courts place it upon the clear and distinct ground that it is simply taking the money or property of one man to be donated to another, which is contrary to the fundamental principles of our Government and a violation of the principles of every social compact in a free country.

It requires, therefore, no constitutional prohibition in order to invalidate such laws. In the States the Legislatures represent the sovereignty of the people except so far as the people themselves have imposed limitations upon their power in the constitution, and except so far as there are inhibitions upon the power of the States in the Constitution of the United States; and yet the courts have invariably held that, notwithstanding the possession of this broad, comprehensive, and general power of legislation and taxation, no State could authorize a county or municipality, even upon the vote of the people interested, to impose taxes upon themselves for the purpose of encouraging manufacturing or any other industrial pursuit. If the States can not do it, although possessing this broad and comprehensive power of taxation, unlimited by any provisions of their constitutions, how is it possible that the General Government can do it under a Constitution which limits its power of both legislation and taxation?

In ascertaining the powers of a State Legislature we look to the State constitution, not to see whether the power is delegated, but to see whether it is prohibited. On the other hand, in ascertaining the powers of Congress, we look to the Constitution of the United States, not to see whether the exercise of the power is prohibited, but whether it is delegated expressly or by reasonable implication, and unless Senators upon the other side can show some delegation of this power to Congress, some warrant under which it can impose taxation upon my constituents to raise money to be donated to the constituents of the Senator from Louisiana, I must deny the existence of such authority.

It is true that there is no difference in principle between the payment of the money directly out of the public Treasury to encourage or promote the private interests of private individuals or corporations and a protective or prohibitory provision which compels the consumers of the country to pay the money indirectly to them out of their own pockets in the form of enhanced prices for their products. This is a proposition to pay a bounty out of the public Treasury from money realized by taxation on all the people as a compensation for the repeal of protective duties, and it is of, course a plain admission that the whole protective system is a system of bounties, because upon no other ground can gentlemen justify the substitution of the one for the other; but, unfortunately, in the case of the imposition of protective duties there is no way in which the question of constitutionality can be raised, for the law imposing them appears upon its face to be a law to raise revenue, and no court can inquire into the motives of Congress as a body or of any individual member who casts his vote for it.

Here, however, we have an open, plain, undisguised provision in a tax law to take \$4,000,000 of the money raised under it and pay it to private individuals, without any sort of compensation or any sort of contract, because no man obligates himself to produce sugar. It might be different if the Government should enter into a contract with somebody by which the party of the second part agreed that he would produce a certain amount of sugar if the Government would pay him a certain amount of money. But this is purely gratuitous, and if the Government has a right to pay the manufacturer of beet-sugar in Kansas 2 cents a pound upon all the sugar he produces, it has precisely the same right to pay him the whole cost of the sugar he produces, or buy it and distribute it gratuitously among the people of the country. If it can pay a part, it can pay all. If it can pay a part of the cost of producing sugar, it can pay a part of or the whole cost of producing woolen goods and iron and steel or wheat or corn or any other product, and monopolize all those articles.

DECISIONS OF THE COURTS.

Mr. President, this question has been judicially decided from California to Maine, and in every instance decided one way. I will not undertake to read all the cases or even to state the circumstances under which each one arose, because that would consume too much of the time of the Senate, and I have other questions to discuss if my strength and the time will permit.

In 53 California Reports, page 639, in the case of *People ex. Parks*, the court said:

To promote a public purpose by a tax levy upon the property in the State is within the power of the Legislature; but the Legislature has no power to impose taxes for the benefit of individuals connected with a private enterprise, even though the private enterprise might benefit the local public in a remote or collateral way. Legislative power of taxation is not illimitable. It can be used only in aid of a public object—an object which is within the purpose for which governments are established. In the vigorous language of the supreme court of Pennsylvania, "the Legislature has no constitutional right to levy a tax, or to authorize any municipal corporation to do it."

I call the attention of Senators to this language:

"The Legislature has no constitutional right to levy a tax, or to authorize any

municipal corporation to do it, in order to raise funds for a mere private purpose. No such authority passed to the Assembly by the general grant of the legislative power. This would not be legislation. Taxation is a mode of raising revenue for public purposes. When it is prostituted to objects in no way connected with the public interest or welfare it ceases to be taxation and becomes plunder."

In 27 Iowa, pages 46 and 47, the court said:

What are taxes? This is the question which lies at the heart of the present case. I answer that, by the concurrent opinion of lawyers, judges, lexicographers, and political economists, as well as by the general and popular understanding, taxes are burdens or charges imposed by the Legislature upon persons or property to raise money for public purposes, or to accomplish some governmental end. A tax for a private purpose is, to use the strong yet apt expression of Lowe, J., in the *Wapello County Case* (13 Iowa, 405), "a solecism in language."

In 20 Michigan Reports, page 474, the court said, speaking of a valid tax:

It must be imposed for a public, not for a mere private purpose. Taxation is a mode of raising revenue for public purposes only, and, as is said in some of the cases, when it is prostituted to objects in no way connected with the public interest or welfare it ceases to be taxation and becomes plunder.

In 24 Wisconsin, page 356—

It is conceded—

Says the court—

by all that a tax must be for a public, and not for a private purpose. If, therefore, the Legislature attempts to take money from the people by legal compulsion for a merely private purpose, that is not a tax, according to the essential meaning of the word; and, therefore, such a law is not, strictly speaking, unconstitutional, as being prohibited by any positive provision of the constitution, but is void, for the reason that it is beyond the scope of legislation.

In Maine the Legislature, under the constitution of that State, submitted to the judges of the supreme court of the State the question whether or not it could pass a law authorizing the imposition of a tax upon a vote of the people for the purpose of encouraging certain industries, and in response the judges gave their opinions *seriatim*, every one of them holding that such a law would be utterly void.

Mr. SPOONER. Will the Senator allow me to ask what was the purpose of the tax in that case?

Mr. CARLISLE. I will state it.

Mr. SPOONER. I do not wish to interrupt the Senator.

Mr. CARLISLE. Every one of the judges in able opinions held that such a law would be utterly void, but notwithstanding these opinions the Legislature of Maine passed the act, and it afterwards came before the supreme court of Maine for a adjudication. In answer to the Senator from Wisconsin I will read the question submitted by the Legislature:

Has the Legislature authority under the constitution to pass laws enabling towns, by gifts of money or loans of bonds, to assist in liquidate or corporations to establish or carry on manufacturing of various kind within or without the limits of said towns. (38 Maine Reports, Appendix, page 597.)

The precise question was whether the Legislature had the power to authorize the people to tax themselves for the purpose of encouraging the establishment and operation of manufactories among themselves, and every judge of the court, without an exception, held that such a law would be void. These opinions are very able and exhaustive, but I will call attention to a few sentences only from each one of them. The court consisted of a chief-justice and eight associate judges, and I quote first from the opinion of Chief-Justice Appleton and Judges Walton and Danforth. They say:

Taxes are the enforced proportional contribution of each citizen and of his estate, levied by the authority of the state, for the support of government and for all public needs. They are the property of the citizen, taken from the citizen by the government, and they are to be disposed of by it.

Again the judges say, and this is peculiarly applicable to the question we now have before us:

Now the individual or corporation manufacturing will in the outset promise to be, and in the result will be, either a judicious and gainful undertaking or an injudicious and losing one. If the manufacturing be gainful, there seems to be no public purpose to be accomplished by assessing a tax on reluctant citizens and coercing its collection to swell the gains of successful enterprise. If the business be a losing one, it is not readily perceived what public or governmental purpose is attained by taxing those who would have received no share of the profits to pay for the loss of an unprosperous manufacturer, whether arising from folly, incapacity, or other cause. The tax-payer should not be compelled to pay for the loss when he is denied a share of the profit.

Such a law may be for the benefit of the donee, but it can not be for that of the people. Grant this power to the Legislature and let it be exercised, and all security for property is at an end. The motive to acquire is destroyed. The enjoyment of possession is taken away. The power to protect is gone.

And what claim has manufacturing to such preference over other branches of industry, commerce, trade, agriculture, and the mechanic arts? These are honorable and beneficial pursuits, and the constitution of this State will be searched in vain to find any powers given to the Legislature to authorize towns and cities to discriminate against these employments and in favor of manufacturing, in the matter of taxation. (*Ibid*, page 603.)

These judges further say:

There is nothing of a public nature any more entitling the manufacturer to public gifts than the sailor, the mechanic, the lumberman, or the farmer. Our Government is based on equality of rights. All honest employments are honorable. The state can not rightfully discriminate among occupations, for a discrimination in favor of one branch of industry is a discrimination adverse to all other branches. The state is equally to protect all, giving no undue advantages or special and exclusive preferences to any.

No public exigency can require private spoliation for the private benefits of favored individuals. If the citizen is protected in his property by the Constitution against the public, much more is he against private rapacity.

Judge Dickerson said:

The argument in support of the constitutionality of such a law is that the es-

establishment of the business of manufacturing in a town or city promotes the public prosperity by increasing the value of private property, inviting in capital and population, and furnishing employment for the people.

The direct purpose of the proposed law is thus private in its character; it is to increase the means and improve the property of some, and furnish employment to some, while the benefit, if any, to the public is only reflective, incidental, and secondary.

And what claim has manufacturing to such preference over other branches of industry, commerce, trade, agriculture, and the mechanic arts? These are honorable and beneficial pursuits, and the constitution of this State will be searched in vain for any powers given to the Legislature to authorize towns and cities to discriminate against these employments and in favor of manufacturing, in the matter of taxation.

It is against common right—

says Judge Barrows—

and beyond the legitimate sphere of legislation to raise, under color of taxation, any sums of money except those which are required to promote the appropriate objects for which the Government was instituted.

I imagine no Senator will contend that this Government was instituted for the purpose of producing sugar or supplying sugar or any other article of consumption to the people. It is not a governmental purpose; it is not an object which comes within the scope or the power of the General Government under the Constitution; and according to the decisions of the courts the authority to tax for that purpose does not belong to any government in this country, State or Federal, because it is contrary to the first principles upon which our institutions themselves are founded, and does not depend upon questions of constitutional delegation or constitutional prohibition. It is the same principle, stated by every writer upon civil government, from Locke down, that in a free country no department of the government can violate the fundamental principles of the social compact by taking the private property of one man and donating it to another under the form of taxation or otherwise.

The same judge said:

Doubtless the specious but deceptive claim of their advocates will be that they tend to promote the common welfare. But to know for a certainty that that claim can not be allowed we have only to look at the definition of the word common when used in such connection:

"Common: Belonging to the public; having no separate owner; general; serving for the use of all; universal; belonging to all." (Webster's Dictionary.)

It is to promote the common welfare as thus defined that you have authority to legislate and to raise money by taxation; and you can confer upon towns no delegated authority exceeding this. In fine, it is a principle that lies at the very foundation of all legitimate exercise of the power of taxation that the revenue shall be raised for public purposes alone, and not for private profit and advantage. This alone makes the distinction between lawful taxation and public plunder.

But the subtle and sophistical argument of those who are seeking their own private advantage by the use of the public purse is that the successful establishment of a manufacturing business, though the profits inure to private individuals or corporations, is indirectly a benefit to the community. But this is not an answer; it is simply a pretext for an evasion of the fundamental principle above stated.

Judge Tapley said:

These inquiries do not leave my mind entirely clear as to the information sought by them. If they relate to purely private enterprises, in no wise connected with public uses or the public exigencies, I answer without hesitation in the negative.

This conclusion is so clear to my mind and so free from all doubt that I can hardly persuade myself that the house of representatives really needed or desired the opinion of any one upon the subject.

Further along he says:

Taxes should be imposed or levied for those purposes which properly constitute the public burden. They are levied to secure the performance of public duties and relieve public necessities.

But, as I have already stated, notwithstanding the unanimous adverse opinions of the judges, given in response to its own interrogatory, the Legislature passed the act, and the question came before the court for adjudication in the case of *Allen vs. Inhabitants of Jay*, reported in 60 Maine, page 124. In the course of its opinion the court said:

A tax is a sum of money assessed under the authority of the State on the person or property of an individual for the use of the State. Taxation, by the very meaning of the term, implies the raising of money for public uses, and excludes the raising of it for private objects and purposes.

On page 129 the court said, and I call the particular attention of our friends on the other side of the Chamber to this clear exposition of the effect of taxation:

The idea seems to be that thereby capital would be created. But such is not the case. Capital is the savings of past earnings ready for productive employment. The bonds of a town may enable the holder to obtain money by their transfer as he might do by that of any other good note. But no capital is thereby created. It is only a transfer of capital from one kind of business to another.

Nor is capital created by the raising of money by taxation. If the wealth of the country was increased by taxation, the result would be the higher the taxes the more rapid the increase of its wealth. But the reverse is the case.

On page 130 the court said:

Our Government is based on equality of right.

The State can not discriminate among occupations, for a discrimination in favor of one is a discrimination adverse to all others. While the State is bound to protect all, it ceases to give that just protection when it affords undue advantages or gives special and exclusive preferences to particular individuals and particular and special industries at the cost and charge of the rest of the community.

Unless there is something peculiar and transcendental in the new saw-mill to be removed and in the grist-mill to be erected—

This was an attempt to pay a bounty in the form of bonds under the act of the Legislature, to aid a company in establishing a saw and grist mill—

and in the labor of Messrs. Hutchins and Lane, it must stand in the same category with other saw-mills and grist-mills, which are, and have been, and will be built, and other laborious industries, which are pursued for private gain and emolument.

Again, on pages 132 and 133, the court said:

Whether the estates of citizens are to be placed in the public treasury for the purpose of dividing them, or of loaning them to those who have not accumulated them, matters not. In either case the owner is despoiled of his estate, and his savings are confiscated.

If the loan be made to one or more for a particular object, it is favoritism. It is a discrimination in favor of the particular individual and a particular industry thereby aided, and is one adverse to and against all individuals, all industries not aided.

If it is to be loaned to all, then it is practically a division of property under the name of a loan. It is communism incipient, if not perfected.

In 21 Pennsylvania State Reports, page 168, the court said:

Neither has the Legislature any constitutional right to create a public debt, nor to lay a tax, nor to authorize any municipal corporation to do it, in order to raise funds for a mere private purpose. No such authority passed to the Assembly by the general grant of legislative power. This would not be legislation. Taxation is a mode of raising revenue for public purposes. When it is prostituted to objects in no way connected with the public interests or welfare, it ceases to be taxation and becomes plunder. Transferring money from the owners of it into the possession of those who have no title to it, though it be done under the name and form of a tax, is unconstitutional for all the reasons which forbid the Legislature to usurp any other power not granted to them.

But it has been argued (and here, perhaps, is the strain of the case) that this will be taxation for a private purpose, because the money levied will be in effect handed over to a private corporation. I have conceded that a law authorizing taxation for any other than public purposes is void, and it can not be denied that a railroad company is a private corporation.

The court held that while the principle was universally correct that taxation cannot be lawfully imposed for any other than a public purpose, yet in that case the purpose was a public one, as it was imposed to pay a subscription authorized by law to a railroad company, a public highway. The courts in some of the States, however, have held that even that could not be done, though the Supreme Court of the United States has decided otherwise. In the United States circuit court Judge Dillon says:

So taxation to aid ordinary manufactures, or the establishment of private enterprises, is a thing until recently quite unheard of; and the power must be denied to exist, unless all limits to the appropriation of private property and to the power to tax be disregarded.

This case is reported in 9 Kansas, page 689.

In the case of *Grim vs. Weissenberg School District*, 57 Pa., 433, speaking of the power of taxation (page 437), the court said:

The power of taxation is a necessary and indispensable incident of government. It also has limits, but they are broadly marked and well defined. That it may be local and special, as well as general, it is entirely too late at this day to question.

Yet an act of the Legislature authorizing contributions to be levied for a mere private purpose, or for a purpose which, though public, is one in which the people from whom they are to be exacted have no interest, would not be a law, but a judicial sentence, and not within the legitimate scope of legislative authority.

In the United States circuit court for the eastern district of Missouri, Judge Treat, in deciding the case of *Cole vs. Lagrange*, said:

The Supreme Court of the United States stated the elemental thought underlying American constitutional law when it declared that an attempt, through the guise of the taxing power, to take one man's property for the private benefit of another is void, an act of spoliation, and not a lawful use of legislative or municipal functions.

There have been so many well considered cases in the United States courts and in the State courts on this subject that it would be the work of supererogation to repeat their arguments. It must suffice that the weight of authority and sound reason concur in holding bonds and coupons like these in question void *ab initio*.

Mr. BLAIR. May I ask the Senator a question at this point?

Mr. CARLISLE. Certainly.

Mr. BLAIR. In our State they have always paid a bounty on crows for the purpose of preventing the destruction of the industry of agriculture. I should like to know whether if there could be taxation to prevent the destruction of an industry, there may not also be taxes for the purpose of establishing one.

Mr. CARLISLE. I suppose that the bounty paid in the State of New Hampshire for the destruction of crows inures to the benefit of everybody in that State or may inure to the benefit of everybody in that State; and besides it is an expenditure for the protection of property, which is one of the principal purposes for which governments are established. To protect private property from destruction is quite a different thing from paying money out of the public Treasury to assist particular individuals in acquiring property. But the bounty paid to the manufacturer of sugar out of money raised from taxation upon the people of the whole United States can inure only to the benefit of the people of those localities in the United States where sugar can be produced. Judge Cooley in one of the decisions to which I shall now refer expressly makes the distinction that the State may pay bounties to encourage men, for instance, to enlist in the Army and engage in the public defense, or for the destruction of wolves or other wild animals which are dangerous or injurious to the people or their property; and it is evident that there is a broad and clear distinction which will occur to the mind of any lawyer at once between a bounty which will inure or may inure to the benefit of all the people of a country and a bounty which can only inure to the benefit of comparatively a few persons.

The case decided by Judge Cooley, mentioned by me a moment ago in response to the Senator from New Hampshire was *The People vs. Salem*,

20 Michigan, 452. In the course of the decision that distinguished jurist said:

But it is not in the power of the State, in my opinion, under the name of a bounty or under any other cover or subterfuge to furnish the capital to set private parties up in any kind of business, or to subsidize their business after they have entered upon it. A bounty law of which this is the real nature is void, whatever may be the pretense on which it may be enacted. The right to hold out pecuniary inducements to the faithful performance of public duty in dangerous or responsible positions stands upon a different footing altogether; nor have I any occasion to question the right to pay rewards for the destruction of wild beasts and other public pests; a provision of this character being a mere police regulation. But the discrimination by the State between different classes of occupations, and the favoring of one at the expense of the rest, whether that one be farming or banking, merchandising or milling, printing or railroading, is not legitimate legislation, and it is an invasion of that equality of right and privilege which is a maxim in State government. When the door is once opened to it, there is no line at which we can stop and say with confidence that thus far we may go with safety and propriety, but no further.

Every honest employment is honorable; it is beneficial to the public; it deserves encouragement. The more successful we can make it, the more does it generally subserve the public good. But it is not the business of the State to make discriminations in favor of one class against another, or in favor of one employment against another. The State can have no favorites. Its business is to protect the industry of all, and to give all the benefits of equal laws. It can not compel an unwilling minority to submit to taxation in order that it may keep upon its feet any business that can not stand alone.

Elsewhere in the decision he says:

By common consent, also, a large portion of the most urgent needs of society are relegated exclusively to the law of demand and supply. It is this in its natural operation and without the interference of the Government that gives us the proper proportion of tillers of the soil, artisans, manufacturers, merchants, and professional men, and that determines when and where they will give to society the benefit of their particular services. However great the need in the direction of any particular calling, the interference of the Government is not tolerated, because, though it might be supplying a public want, it is considered as invading the domain that belongs exclusively to private inclination and enterprise. We perceive, therefore, that the term "public purpose" as employed to denote the objects for which taxes may be levied has no relation to the urgency of the public need or to the extent of the public benefit which is to follow. It is, on the other hand, merely a term of classification to distinguish the objects which, according to settled usage, are left to private inclination, interest, or liberty.

It creates a broad and manifest distinction—one in regard to which there need be neither doubt nor difficulty—between public works and private enterprises; between the public conveniences, which it is the business of Government to provide, and those which private interest and competition will supply whenever the demand is sufficient.

The decision to which I now refer was rendered in the case of *Parkersburg vs. Brown*, in 106 United States Supreme Court Reports, page 487, a case which came up from the State of West Virginia. The question arose under a law of the Legislature of that State authorizing the city of Wheeling to issue bonds and loan money for the purpose of encouraging the establishment of manufacturing industries, and to take bonds and mortgages upon the property to secure its repayment; and yet the Supreme Court held that it was utterly void. I ought to say that the city after a vote of the people actually issued bonds which had passed into the hands of third parties, and this suit was brought upon some of the coupons. The court said, among other things:

Taxation to pay the bonds in question is not taxation for a public object. It is taxation which takes the private property of one person for the private use of another person.

It is not necessary to read further from this decision, because these two sentences distinctly state the principle upon which the judgment of the court was founded.

In the case of *Oleott vs. The Supervisors*, in 16 Wallace, the Supreme Court of the United States said, in reviewing the judgment of the court below:

The question considered by the court was not one of interpretation or construction. The meaning of no provision of the State constitution was considered or declared. What was considered was the uses for which taxation generally, taxation by any government, might be authorized, and particularly whether the construction and maintenance of a railroad, owned by a corporation, is a matter of public concern. It was asserted (what nobody doubts) that the taxing power of a State extends no further than to raise money for a public use as distinguished from private, or to accomplish some end public in its nature, and it was decided that building a railroad, if it be constructed and owned by a corporation, though built by authority of the State, is not a matter in which the public has any interest, etc.

The court then restates the proposition which I have stated and read so often, that in order to sustain the validity of the act it must be judicially determined that the tax was imposed for a public purpose, and it held that the tax then in controversy was levied for a public purpose, and was therefore valid.

The case of *The Loan Association vs. Topeka* (20 Wall., 655) is a familiar one, but I will call attention to a few extracts. The court said:

Of all the powers conferred upon government that of taxation is most liable to abuse. Given a purpose or object for which taxation may be lawfully used, and the extent of its exercise is in its very nature unlimited.

If we once concede that it is within the constitutional power of Congress to impose a tax for the purpose of raising money to pay a bounty for the production of sugar, it follows inevitably that it is within the constitutional power of Congress to raise money by taxation to pay bounties upon every other article produced in this country. No limit can be fixed and all the property in the country will be at the mercy of the taxing power. The court then cites what was said by Chief-Justice Marshall in *Maryland vs. McCulloch*, that the power to tax was the power to destroy, and proceeds as follows:

It is true that express limitation on the amount of tax to be levied or the things to be taxed may be imposed by constitution or statute, but in most in-

stances for which taxes are levied, as the support of government, the prosecution of war, the national defense, any limitation is unsafe. The entire resources of the people should in some instances be at the disposal of the government.

The power to tax is, therefore, the strongest, the most pervading of all the powers of government, reaching directly or indirectly to all classes of the people.

To lay—

Says the court—

with one hand the power of the Government on the property of the citizen, and with the other to bestow it upon favored individuals to aid private enterprises and build up private fortunes, is none the less a robbery because it is done under the forms of law and is called taxation. This is not legislation. It is a decree under legislative forms.

Nor is it taxation. A "tax," says Webster's Dictionary, "is a rate or sum of money assessed on the person or property of a citizen by government for the use of the nation or state." "Taxes are burdens or charges imposed by the legislature upon persons or property to raise money for public purposes."

Then the court said:

We have established, we think, beyond cavil that there can be no lawful tax which is not laid for a public purpose. It may not be easy to draw the line in all cases so as to decide what is a public purpose in this sense and what is not.

But it says that whenever the line is drawn it is bound to hold that the tax is invalid unless it is imposed for a public purpose, a governmental purpose.

In the cases of *Brewer Brick Company vs. Inhabitants of Brewer*, and *Farnsworth Company vs. Inhabitants of Lisbon*, both reported in 62 Maine, pages 62 and 451, the court held that the Legislature could not constitutionally confer upon towns the power to encourage manufacturing establishments by exempting them from taxation; and in *Hooper vs. Emery*, reported in 14 Maine, 375, it was decided that a town could not distribute gratuitously among its inhabitants money which it had received on deposit from the State. In this last case the Legislature had passed an act loaning to the various towns the money received by the State under the act of Congress of June 23, 1836, distributing the surplus public money among the several States, and the town of Biddeford undertook to donate its share of the fund to the people of the town. While the question presented was not the precise one I am now discussing, the court in its opinion expressly sanctioned the principles upon which I rely.

Mr. President, this proposition as it stands is to pay money out of the common Treasury to comparatively a very few individuals in the country for the purpose of making their private business profitable. The people in Kentucky and Maryland and many other States of the Union, embracing within their limits three-fourths perhaps of our area, are just as effectually excluded from all participation in the benefits of this bounty as if the law had said in terms that it should not be paid to them, because they can not produce the sugar and nobody expects they ever will produce it.

THE "GENERAL WELFARE CLAUSE" NOT A SUBSTANTIVE GRANT OF POWER—JUDGE STORY'S OPINION.

My conclusion from this proposition—the proposition itself being indisputable—is that it is not a bounty to promote the general welfare in any legal or constitutional sense, but only the welfare of particular individuals in certain localities, and therefore is not authorized by the Constitution even if it be assumed that Congress possesses a power to appropriate money wider and more comprehensive in its scope than the power to legislate over the subject for which the money is appropriated. But I deny absolutely that Congress can raise money by taxation upon the people and expend it constitutionally for the promotion of the general welfare except substantially in execution of the enumerated powers contained in the Constitution. If the purpose for which the money is appropriated is one in no way connected with the execution of a delegated power, the act is null and void. Judge Story, who was not a Democrat nor a State rights advocate nor a strict constructionist, says that the clause of the Constitution should be understood as if it read—

The Congress shall have power to lay and collect taxes, duties, imposts, and excises, in order to provide for the common defense and general welfare of the United States.

He says in section 909:

If the clause "to pay the debts and provide for the common defense and general welfare of the United States" is construed to be an independent and substantive grant of power, it not only renders wholly unimportant and unnecessary the subsequent enumeration of specific powers, but it plainly extends far beyond them and creates a general authority in Congress to pass all laws which they may deem for the common defense and general welfare.

Under such circumstances the Constitution would practically create an unlimited National Government. The enumerated powers would tend to embarrassment and confusion, since they would only give rise to doubts as to the true extent of the general power or of the enumerated powers.

And in section 910 he says:

For what purpose could the enumeration of particular powers be inserted if these and all others were meant to be included in the preceding general phrase, and then to qualify it by a recital of particulars. But the idea of an enumeration of particular powers which neither explain nor qualify the general meaning, and can have no other effect than to confound and mislead, is an absurdity which no one ought to charge on the enlightened authors of the Constitution. It would be to charge them either with premeditated folly or premeditated fraud.

So Judge Story holds, and Judge Cooley and every other commentator upon the Constitution holds, that this is not a distinct and sub-

stantive grant of power, and so far as I know no lawyer has ever yet ventured to contend in a respectable court of justice in this country that it was a distinct grant of power, or anything else except a limitation upon the power to tax. The only open question, therefore, is not whether this is a distinct delegation of power, a power of legislation separate and distinct from the enumerated powers, but whether Congress may raise money by taxation and after the money is raised appropriate it for the accomplishment of an object over which it has no power of legislation. But in this instance Congress not only appropriates the money, but it legislates. If we had no internal-revenue system already in existence, the payment of this bounty would involve the establishment of a department or bureau composed of officers and employes charged with the duty of administering the law.

Even as it is the payment of the bounty involves the employment of an additional force and the establishment of regulations by statute and by the Treasury Department for the ascertainment of the sugar which is entitled to bounty, and for the distribution of the money afterwards, and in order to protect the Government against fraud the bill imposes penalties for the violation of its provisions. It is not even like the case of a mere appropriation of money for a benevolent or charitable purpose, which, in my opinion, is not authorized by any proper construction of the Constitution; but this has been the practice of the Government for so long a time that such measures now pass substantially without question. But this is a new departure, and it becomes our duty here and now to discuss and decide whether or not Congress has this power, for if it has, we are about to enter upon a field of legislation and appropriation unlimited in extent. The line can be drawn nowhere.

If it is constitutional and expedient and just to tax the people for the purpose of raising money to pay bounties to the manufacturers of sugar, it is equally constitutional, equally expedient, and equally just to tax the people for the purpose of raising money to pay bounties for the production of corn, wheat, rye, woolen goods, iron and steel, and every other article that can be produced in this country—more in fact in these latter cases than in the former, because these are articles which can be produced all over the country and therefore the people of the whole United States would have at least an opportunity to participate in the bounties paid on them.

RECIPROCITY—REIMPOSITION OF DUTIES—TRANSFERRING TAKING POWER TO THE EXECUTIVE.

Mr. President, having put sugar upon the free-list and provided for the payment of a bounty out of the public Treasury to the manufacturers of that article, this bill as it passed the Senate and as it is reported back from the committee of conference threatens to reimpose a duty upon that article, or, to speak more accurately, threatens to authorize the President by executive decree to reimpose a duty upon that article, unless the governments of the sugar-producing countries on this hemisphere shall say something on paper which will be satisfactory to his excellency. It is proposed not to enact a law which shall take effect upon the happening or not happening of a particular event or upon the occurrence of a particular fact specified and defined in the law itself, which I concede may be done, but it is a proposition to confide to the judgment and discretion or caprice of the President alone the determination not merely of certain facts unspecified and undefined in the law, but the result and effect of those unspecified and undefined facts and circumstances.

This proposition is to confide to the President the sole and exclusive right to impose or to suspend and reimpose duties upon sugar, coffee, tea, and hides at his own discretion and upon his own judgment that the governments of the countries producing these articles do or do not impose unequal and unreasonable restrictions upon products imported from this country into those countries. In other words, the very foundation upon which the imposition, suspension, or reimposition of duties depends, instead of being defined and established by a Congressional enactment, is left to the President subject to no present lawful control or influence.

Brazil, for instance, may remove certain restrictions now existing, and the President may hold that this is sufficient to justify him under the law in refusing to reimpose duties upon sugar and coffee imported from that country; but Spain may remove precisely the same restrictions and the President will have a right under this law to reimpose duties upon its sugar and coffee, if there be any coffee imported into this country from the Spanish possessions on this hemisphere. The President may determine that what has been done by a particular nation removes unreasonable and unequal restrictions upon our products, and therefore may refuse to reimpose duties on its sugar or coffee, or he may determine that what has been done by a certain government does not remove what he considers unjust and unreasonable restrictions, and therefore he may impose duties, when Congress, if it had the subject in its own hands, might say that the country had done all that it ought to do and that the duties ought not to be imposed. The whole power over this question, except the mere rate of duty to be imposed, is lodged by this bill in the hands of the Executive.

The case read by the Senator from Ohio [Mr. SHERMAN] yesterday was one with which most of us are familiar, the case of the brig Aurora, which arose under the embargo laws of 1809. The language of

the statute in that case was quite comprehensive, I admit, yet the law itself provided, not that the President should remove or establish an embargo under any given state of circumstances, but that when those circumstances existed and the President made his proclamation the law itself declared that the embargo should cease. Moreover, as I said yesterday afternoon in a brief colloquy with the Senator from Ohio, the Supreme Court did not discuss that question at all in its decision. It simply said:

On the second point we can see no sufficient reason why the Legislature should not exercise its discretion in reviving the act of March 1, 1809, either expressly or conditionally as their judgment should direct. The nineteenth section of that act declared that it should continue in force to a certain time and no longer, and could not restrict their power of extending its operation without limitation upon the occurrence of any subsequent combination of events.

The syllabus says:

The Legislature may make revival of the act dependent upon a future event, and that event be made known by proclamation.

And that is all the court said upon this subject.

Although the following quotation from Judge Cooley has been read once during this debate, I will read it again, because in my judgment it states accurately in a very compact form the true rule of law upon this subject:

One of the settled maxims in constitutional law is, that the power conferred upon the Legislature to make laws can not be delegated by that department to any other body or authority. Where the sovereign power of the state is located the authority, there it must remain; and by the constitutional agency alone the laws must be made until the constitution itself is changed.

And again, speaking of conditional legislation, he says:

The event or change of circumstances on which a law may be made to take effect must be such as, in the judgment of the Legislature, affects the question of the expediency of the law, an event on which the expediency of the law in the opinion of the lawmakers depends. On this question of expediency the Legislature must exercise its own judgment definitively and finally. When a law is made to take effect upon the happening of such an event the Legislature, in effect, declares the law inexpedient if the event should not happen, but expedient if it should happen. They appeal to no other man or men to judge for them in relation to its present or future expediency. They exercise that power themselves, and then perform the duty which the constitution imposes upon them.

I said yesterday and I repeat to-day that if this act provided that when certain things happened a certain rate of duty should be imposed upon coffee, tea, sugar, and hides it would be a valid exercise of legislative power, but in order to make it so Congress itself must specify the particular thing which is to happen, must state the emergency or the contingency upon which the duty is to be reimposed; and it may leave to the President the power and duty to ascertain whether that particular thing has happened or whether that particular emergency or contingency has occurred, but not, as in this case, leave to him the whole power and discretion to determine whether certain things have been done or not, and if they have been done what their effects are, and whether in view of those effects he ought or ought not to impose a duty.

The amendment offered by the Senator from Maine [Mr. HALE] was substantially correct in this particular, but not so the amendment proposed by the Senator from Rhode Island [Mr. ALDRICH] and adopted by the Senate and conference committee.

Mr. MORGAN. It was reported by the Committee on Finance.

Mr. CARLISLE. It was proposed first in the Senate by the Senator from Rhode Island as the representative of the Committee on Finance.

Mr. MORGAN. But it was reported by the committee.

Mr. CARLISLE. It was not reported with the bill; it was reported afterwards.

Mr. MORGAN. Yes, it was reported afterwards.

RECIPROCITY A MISNOMER—THE BILL IS RETALIATORY.

Mr. CARLISLE. Mr. President, the provision which was first adopted by the Senate and now stands in the bill is not reciprocity, nor does it propose reciprocity in any just or proper sense. It is retaliation pure and simple, and no form of words can disguise its true character. Coffee, tea, and hides have been upon the free-list under our laws for many years; and they were placed there for the benefit of our own people, and not as an act of favoritism or friendship for any foreign country producing those articles.

Sugar and molasses were upon the free-list in this bill as it came from the House of Representatives and in the bill as it now stands, and they were put there upon the sole and distinct ground that it would be beneficial to our own people, the consumers of these articles, without any reference whatever to the question of reciprocity with other nations, or retaliation upon other nations, or retaliation upon our own people, for this is, in fact, a proposition to retaliate upon our own people by imposing a duty of 10 cents a pound upon tea, 3 cent a pound upon coffee, and from 35 to 59 per cent. upon sugar, unless China and Japan, and Brazil and Spain, and other nations shall do certain things over which our consumers have no control and over which their representatives in Congress have no control. It was said in the report of the Committee on Ways and Means:

So large a proportion of our sugar is imported that the home production of sugar does not materially affect the price, and the duty is therefore a tax, which is added to the price not only of the imported, but of the domestic product, which is not true of duties imposed on articles produced or made here substantially to the extent of our wants.

Why, Mr. President, we consume annually about \$375,000,000 worth of woolen goods. Of this about \$100,000,000 worth at the prices at which they are sold in our markets are imported, leaving \$275,000,000 worth of domestic production. We do not, therefore, produce woolen goods substantially to the extent of our wants, and some kinds of woolen goods that are imported subject to duty we do not produce at all; yet upon this argument the bill puts sugar upon the free-list, and largely increases the duties upon woolen goods. It puts sugar upon the free-list according to this argument because we do not produce as much as we want, and it puts tin-plate and block tin upon the dutiable-list because we do not produce any. But the report proceeds:

In 1889 the duties collected on imported sugar and molasses amounted to \$55,973,610. Add to this the increase of price of domestic sugar arising from the duty—

A confession not often made by our protectionist friends—

and it is clear that the duty on sugar and molasses made the cost of the sugar and molasses consumed by the people of this country at least \$14,000,000, or about \$1 for each man, woman, and child in the United States, more than it would have been if no such duties had been levied and the domestic product had remained the same.

Mr. President, there is no suggestion here, nor was there any suggestion from the Committee on Finance of the Senate when the bill was reported to this body, that sugar, or coffee, or tea, or hides were placed upon the free-list with a view of securing reciprocity, but they were put there solely because Senators upon the other side adopted what they have often denominated "the free-trade idea," that it would be beneficial to our consumers to have them cheaper than they would be if subject to duty.

THE BILL REPEALS THE ONLY RECIPROCITY AGREEMENT WE HAVE—THE TREATY WITH THE HAWAIIAN ISLANDS.

Now, it is proposed to enter upon a system of reciprocity or retaliation and have these duties reimposed, and this so-called policy of reciprocity is to be inaugurated by abrogating the only reciprocity treaty we now have with any country in the world and repealing the act of Congress passed to carry it into effect. It is to be inaugurated by abrogating the reciprocity treaty with the Hawaiian Islands and instantly repealing the law of Congress which was passed in 1876 to carry it into effect. This bill as it came from the House proposed to have that treaty by a provision that nothing in it should be held to impair the force or effect of any existing treaty with a foreign country, a provision similar to that contained in the eleventh section of the tariff act of 1883; but the Senate Finance Committee struck it out and the House receded in conference, so that the bill comes back here to us abrogating absolutely and without notice to the Sandwich Islands the only reciprocity treaty we now have in existence.

I allude to this to show how sincere our friends are in their proposition to have reciprocity with the sugar and coffee producing countries of the world. This reciprocity treaty is with a country which contains less than one hundred thousand people, and while it has been of great benefit to them it has been of some benefit at least to us, which is more, I fear, than can be said of any reciprocity likely to result from arrangements with some of the countries south of us. By the terms of that treaty agricultural implements, animals, beef, bacon, pork, hams, and all fresh preserved meats, boots and shoes, grain, flour, meal, bran, bread and breadstuffs of all kinds, butter, cheese, lard, tallow, and a long list of other articles, many of which are produced by our farmers and others by our manufacturing industries, were admitted to the Sandwich Islands free of duty; and these hundred thousand people living on these islands in the sea have taken from this country more of its agricultural products under this treaty than have been taken by some of the countries south of us containing three millions of people, although we do now and have for years admitted more than 90 per cent. of their products into our ports free of duty.

Mr. President, this great scheme of reciprocity, so called, of retaliation in fact, is advocated by its originators upon the ground that it will afford our agriculturists a market for their products in foreign countries.

Mr. MORGAN. Before the Senator from Kentucky leaves the Hawaiian treaty I should like to call his attention to a supplementary convention between the United States of America, etc., and the King of Hawaii, proclaimed on the 6th of December, 1884, in which this treaty of which he speaks was extended for another period.

Mr. CARLISLE. For seven years.

Mr. MORGAN. It was extended for seven years; and Hawaii, in order to secure that, ceded this additional provision of article 2 to us:

His Majesty the King of the Hawaiian Islands grants to the Government of the United States the exclusive right to enter the harbor of Pearl River, in the Island of Oahu, and to establish and maintain there a coaling and repair station for the use of vessels of the United States, and to that end the United States may improve the entrance to said harbor and do all other things needful to the purpose aforesaid.

That was a very important concession in favor of the United States. Mr. CARLISLE. I was aware of that, and besides that the original treaty provided expressly that it should remain in force for seven years, and for the further period of twelve months after either party should give notice of its desire to terminate it. Now it is proposed in this bill, without a moment's notice to the Government of the Hawaiian Islands, to abrogate absolutely the treaty and repeal the law passed by Congress

to carry it into effect, so that goods imported from that country will be at once subject to duty. If Hawaii were a great nation like some of the nations of Europe we would scarcely venture to do this, but we can do very much as we please with less than a hundred thousand people on the Sandwich Islands.

Mr. MORGAN. We can not do as we please with the people on the Pacific coast, however.

Mr. CARLISLE. They will pass their judgment upon this measure hereafter. I refer to it only for the purpose of showing the utter inconsistency of Senators who have by their votes sustained this so-called reciprocity proposition which came from the Committee on Finance, looking to the establishment of reciprocal arrangements with the sugar and coffee producing countries to the south of us, when they at the same time vote to abrogate the only reciprocity treaty we have with a sugar-producing country, or any other country.

THE RECIPROCITY PROVISION DELUSIVE—NO NEW OR VALUABLE MARKETS FOR AGRICULTURAL PRODUCTS.

Mr. President, in view of the fact that this so-called reciprocity is advocated upon the ground that it is to benefit the agricultural producers in this country, it may not be out of place to take a brief survey of the markets of the world in which our farmer sell their surplus products, and see where they go. Let us ascertain, if we can, what market would be furnished for the agricultural products of the United States by the countries to the south of us, to which this so-called reciprocity is expressly confined. We have had very little trade with them, so far as exports are concerned, in any kind of articles, notwithstanding the facts that we have imported very largely from nearly every one of them, and that our laws admit more than 90 per cent. of their products here free of duty; they have not taken our agricultural products for the simple reason that they produce substantially all they require for their own use, and do not need ours.

This trade has been so much on one side, notwithstanding our free admission of their products, that Mr. Blaine says we have actually lost about \$142,000,000 in a single year on account of it. Who has lost it, Mr. President? The Government of the United States does not trade with the Governments of South America or with the Government of any other country. The trade is carried on by the peoples of the various countries, and it is carried on because it is mutually beneficial to them. If anybody has actually lost \$142,000,000 or any other amount in trade with South America it was the merchants and others of the United States who are engaged in that trade. Nobody else could lose it or any part of it, because nobody else had any interest in the transaction.

It is incredible that the skillful and enterprising merchants of the United States have continued to carry on a trade, and are still continuing to carry on a trade, in which they lose every year out of their own pockets \$142,000,000. Nor do we pay \$142,000,000 in gold or any other kind of currency out of our own country, as Mr. Blaine and others of his school of political economists are constantly contending. We pay for our imports with the products of our farms, our forests, and our mines and fisheries that are exported and sold in the countries of Europe where our best markets are located. If we had undertaken to pay out of our own store of gold here at home \$142,000,000 in any one year to the countries of South America or any other country it would have produced such financial disturbances at home as would have been disastrous to all our commercial and industrial interests, and Mr. Blaine knows it, or ought to know it.

We sold over \$200,000,000 worth of products, mainly agricultural products, in Great Britain, during the year to which Mr. Blaine refers, more than we purchased from that country, and when our people bought the sugar and coffee and other articles that our consumers needed from South America, they drew drafts upon the proceeds of these sales of our agricultural products in Europe and thus paid for what we were compelled to buy. If we had not sent these products to Europe and sold them there so as to have the gold on deposit in the banks to meet our drafts we could not have purchased the coffee, sugar, and other articles which our people needed, because we could not have paid the money for them.

So the true measure of the value of our trade is not the amount which we send to any particular country to the south or to the north of us, but what we send to all the countries of the world and upon the proceeds of which we can draw to pay for what we want.

OUR AGRICULTURAL EXPORTS TO VARIOUS COUNTRIES COMPARED.

We exported in the year 1889 \$16,616,000 worth of live cattle. England and Scotland alone took \$16,189,000 worth of them, or nearly all; Cuba took \$318 worth; Porto Rico took none. All South America took \$54,410 worth. We exported \$853,000 worth of barley, and England, Scotland, and Ireland took \$616,000 worth; Mexico took \$3,000 worth; Cuba took none; Porto Rico none. All South America took \$52 worth. We exported 69,592,000 bushels of corn, of which England, Scotland, and Ireland took over 41,000,000 bushels; Mexico took 194,000 bushels, Cuba took 145,000 bushels, Porto Rico took 3,000 bushels, and all South America took 314,000 bushels.

We exported a little over 10,000,000 pounds of oatmeal, and England and Scotland took 9,640,000 pounds; Mexico, 10,000 pounds; Cuba took none; Porto Rico took none; all South America took 1,400 pounds.

We exported 46,414,129 bushels of wheat, and England, Scotland, and Ireland took 31,568,506 bushels; France took 7,655,176 bushels; Portugal nearly 2,000,000; Mexico, 2,280 bushels; Cuba took 30 bushels; Porto Rico took none. All South America took 812,821 bushels.

Of wheat flour we exported 9,374,803 barrels, of which England, Scotland, and Ireland took 4,271,344 barrels; Mexico, 183,318 barrels; Cuba, 243,151 barrels; Porto Rico, 129,946 barrels; and all South America took 932,617 barrels, out of nearly nine and a half millions.

Our total exports of hops amounted to 12,589,262 pounds, of which England alone took 11,386,057 pounds; Mexico, 6,599 pounds; Cuba, 2,107 pounds; Porto Rico, 2,810 pounds; and all South America, 15,152 pounds.

Of canned beef, which is an important article of export, our total exports were 51,025,254 pounds, and England, Scotland, and Ireland took 37,333,528 pounds; France, 3,544,998 pounds; Germany, 2,266,793 pounds; Quebec, Ontario, Manitoba, and the Northwest Territory lying to the north of us, with which we are to have no reciprocity, took 5,939,965 pounds; Mexico took 20,234 pounds; Cuba took 1,116 pounds; Porto Rico took 960 pounds; and all South America took 109,877 pounds. The total exports of fresh beef were 137,695,391 pounds, of which England and Scotland took 137,286,553 pounds, nearly the whole of it, being all except 508,838 pounds; Mexico took 28,465 pounds; Cuba took 2,515 pounds; Porto Rico took none, and all South America took none—not a pound out of nearly 138,000,000 pounds that we exported. Of salted beef we exported 55,006,391 pounds, and England and Scotland alone took 31,781,119 pounds; France took 1,597,691; Germany, 2,422,775; Mexico, 12,318; Cuba, 75,500; Porto Rico, 47,400, and all South America 642,208 pounds, out of more than 55,000,000 pounds.

Our total exports of tallow were 77,844,555 pounds, of which England, Scotland, and Ireland took 34,858,526 pounds; France, 2,478,399 pounds; Germany, 1,279,614 pounds; The Netherlands, 28,321,849 pounds; Mexico, 5,602,415 pounds; Cuba, 62,792 pounds; Porto Rico, 8,684 pounds, and all the South American countries took only 167,931 pounds.

We exported 64,410,845 pounds of pickled pork, of which England and Scotland took 14,912,087 pounds; Quebec, Ontario, Manitoba, and the Northwest Territory took 16,389,233 pounds; Newfoundland and Labrador, 2,993,901 pounds; the British West Indies, 8,003,173 pounds; British Guiana, 3,258,470 pounds; Mexico, 2,038 pounds; Cuba, 713,200 pounds; Porto Rico, 2,871,400 pounds, and all South America took 512,290 pounds.

During the same fiscal year, 1889, we sold abroad 357,377,399 pounds of bacon, and of this England and Scotland took 299,796,456 pounds; Quebec, Ontario, Manitoba, and the Northwest Territory took 28,556,501 pounds; Sweden and Norway, 3,632,824 pounds; Mexico, 80,497 pounds; Cuba, 3,521 pounds; Porto Rico, 784 pounds, and all South America purchased from us only 1,091,561 pounds.

Of hams we exported in the same year 42,847,247 pounds. England and Scotland took 34,766,806 pounds; Quebec, Ontario, Manitoba, and the Northwest Territory took 1,908,868 pounds; Mexico, 9,645 pounds; Cuba, 3,319,956 pounds; Porto Rico, 540,186 pounds, and all the countries of South America took 778,354 pounds.

Our total exports of cheese amounted to 84,999,828 pounds, of which England and Scotland took 72,304,393; Quebec, Ontario, Manitoba, and the Northwest Territory, 10,829,027 pounds; Mexico, 69,367 pounds; Cuba, 55,695 pounds; Porto Rico, 118,363 pounds, and all South America, 247,097 pounds.

We exported and sold abroad 318,242,990 pounds of lard, of which England, Scotland, and Ireland took 165,139,325 pounds; Denmark, 11,256,296 pounds; France, 29,326,634 pounds; Germany, 48,664,002 pounds; Quebec, Ontario, Manitoba, and the Northwest Territory, 12,903,391 pounds; Mexico, 1,363,539 pounds; Cuba, 30,096,838 pounds; Porto Rico, 3,101,652 pounds, and all South America, 16,633,488 pounds.

We exported 15,504,978 pounds of butter, and England and Scotland took 7,454,107 pounds of this; France, 973,815 pounds; British West Indies, 1,580,952 pounds; Mexico, 128,784 pounds; Cuba, 112,209 pounds; Porto Rico, 68,425 pounds, and all South America, 965,428 pounds.

Our exports of clover seed were 34,253,157 pounds. Belgium took of this 1,054,163 pounds; Denmark, 1,001,170 pounds; French Possessions, 10,568,140; England, Scotland, and Ireland, 6,634,373 pounds; Quebec, Ontario, Manitoba, and the Northwest Territory, 4,332,092 pounds; Mexico, none; Cuba, 34,025 pounds; Porto Rico, none, and all South America, 2,525 pounds.

This long and, I fear, somewhat tedious statement shows that our markets for agricultural products in these countries with which alone we are to be allowed to have reciprocity under this bill is utterly insignificant, so small that it does not affect to any extent whatever the prices of our agricultural products at home or abroad, notwithstanding the fact, which I repeat again, that we have for years admitted more than 90 per cent. of their products here free of duty.

LOSING OUR FOREIGN MARKETS.

We have refused to take wool from the Argentine Republic except upon the payment of a high duty, and they are converting their sheep

pastures into wheat fields and sending their products to the markets of Europe to compete with ours. In 1880 the United States, Russia, India, Australia, and the Argentine Republic sold in the European markets 208,987,072 bushels of wheat, and our share of this trade was over 69 per cent.; but in 1887 the same countries sold 187,210,303 bushels, and our share was less than 48 per cent. Our exports of this article are constantly decreasing, not only relatively, but actually. This is the result of the policy which we have adopted here, and which this bill extends, of imposing high rates of duty upon the articles which other countries want to sell us, thus inaugurating a commercial war and compelling our farmers to pay all its expenses, because retaliation, whatever may be its form, whether by the imposition of increased duties or by laws and regulations expressly imposing restrictions upon the sale or importation of our commodities, must fall most heavily upon the farmer, whose products usually constitute about 75 per cent. of our total exports.

Mr. ALDRICH. Would it interrupt the Senator if I should ask him a question?

The PRESIDING OFFICER (Mr. BLACKBURN in the chair). Does the Senator from Kentucky yield to the Senator from Rhode Island?

Mr. CARLISLE. Certainly.

Mr. ALDRICH. I should like to understand exactly the Senator's contention in this regard, whether it is that we have no part of the markets of South America or whether there are no markets there in existence.

IN FAVOR OF REAL RECIPROCITY.

Mr. CARLISLE. I assert there are no markets there for our agricultural products and never will be; but the Senator must not misunderstand me. I am not taking a position against fair and proper reciprocal trade with the countries of South America or any other country, but I am contending that the pretense, if Senators will excuse the expression, that the reciprocity now suggested is for the benefit of our farmers is a false pretense; that it can benefit only the producers of manufactured articles in this country, these being substantially the only kind of articles the people of South America need from abroad.

In the first place, I do not think any Senator upon that side of the Chamber seriously contemplates that this reciprocity clause will ever be executed in any form whatever. I do not believe any Senator on that side of the Chamber would be willing to tell the people of this country that he really expects the President of the United States to impose a duty of 10 cents a pound upon tea, 3 cents a pound upon coffee, and from 35 to 59 per cent. ad valorem upon sugar, in order to coerce the countries of China and Japan and Spain and Brazil and others to enter into reciprocal arrangements with us.

Mr. BLAIR. May I ask the Senator a question?

Mr. CARLISLE. Certainly.

Mr. BLAIR. I understood the Senator to say that he did not think this proposed reciprocity would assist the farmers of the country, but that it would help the manufacturers. I should like to ask him his opinion as to its being of substantial assistance to the manufacturing interest.

Mr. CARLISLE. I have said that in my opinion it will assist them to some extent, and that I was not opposing a proper reciprocity, but was endeavoring to expose the unsubstantial character of the grounds upon which this partial and restricted reciprocity is advocated.

Mr. BLAIR. I wish to ask another question, but I understand the Senator upon that point that he thinks this proposed reciprocity with the states south of us may be of substantial assistance to the manufacturers of the country.

THIS RECIPROCITY BENEFICIAL TO NO DOMESTIC INTEREST.

Mr. CARLISLE. Reciprocity with the countries of South America will be of no substantial benefit to our manufacturers unless it is accompanied by a stipulation that the privileges accorded to us are not to be granted to any other country, because if they are still left free to admit the goods from Germany, France, and England, which are manufactured from free raw materials, upon the same terms that they admit ours, we shall stand in the markets of South America precisely where we stand now, unable to compete with those productions. If we can not compete in our own markets here at home with European manufactured products without a high tariff to protect us against their lower prices, of course we can not successfully compete with them upon equal terms in South America or anywhere else.

Doubtless our manufacturers would be able to export to South America a few articles manufactured in whole or in part from imported material upon which a drawback is allowed by law, and sell them to the people there cheaper than they sell them to their own fellow-citizens, and this will be more probable if all our citizens are taxed to pay ships for carrying their goods, as is proposed in the subsidy bill passed by the Senate and now pending in the House.

Mr. BLAIR. Then I understand the Senator does not expect from the passage of this bill any substantial benefit either to our farmers or to our manufacturers?

Mr. CARLISLE. I do not. I have said that a real reciprocity in proper form, containing proper provisions for our security in their markets, might be advantageous to us, but this project would not be. I

regard this as a mere political device to appease as far as possible an indignant public sentiment, and to check, for the time being at least, the rising tide of opposition to the radical policy of protection and prohibition inaugurated by this bill. Its real purpose is not to divert trade from other countries to this, but to divert public attention from the enormities of this bill, and it will probably accomplish that purpose to a certain extent, but it will accomplish nothing else.

CHINA AND JAPAN—PAPER RECIPROCITY.

Mr. President, we are to have a duty under this bill of 10 cents a pound on tea and 3 cents a pound on coffee unless China and Japan remove "unequal and unreasonable" restrictions. What restrictions have they? Both admit nearly all our agricultural products free now and on all our other products sent to those countries the rates of duty are very low. We imported from China during the year 1889 40,751,000 pounds of tea, from Japan 33,303,000 pounds, and from England 4,673,000 pounds. Our total importations were 79,575,984 pounds valued at \$12,654,000; and now, unless China and Japan do something on paper, because, no matter what their laws or regulations are, they will take none of our agricultural products—something on paper which will satisfy the President, we are to compel our people to pay \$7,957,000 duty every year on their tea; that is to say, we are to punish the consumers of tea in the United States for some delinquency or supposed delinquency on the part of China and Japan.

Our total exports to China, agricultural, manufactured, and all others, amounted to only \$2,790,000, and less than 10 per cent. of our total exports were agricultural products. Our total exports to Japan, the other tea-producing country from which we get our supply, amounted to \$4,615,000, and less than 10 per cent. of those were agricultural products. This is the whole extent of their purchases from us, notwithstanding the fact that we now admit 68 per cent. of the importations from China and nearly 87 per cent. of the importations from Japan free of duty, and, Mr. President, if we should admit all their products into our markets free, they would not buy another dollar's worth of our breadstuffs or provisions, because they do not need them. But unless they will write down something or enact some law which will satisfy the Executive that they mean well toward us, we are to tax our own people a greater amount on tea alone than the total value of all our exports to both countries.

HOW THE RECIPROCITY PROVISION WILL OPERATE—BOUNTIES, TAXES, AND PRICES.

But suppose China should make a law or a regulation which satisfies the President that he ought not to impose a duty upon the Chinese tea, but Japan fails to do so; then there will be a duty of 10 cents a pound upon all the tea imported from Japan, and all the tea imported free from China will be sold to our people at the duty-paid price of the Japanese tea, of course, because until we get free tea or free coffee or free sugar substantially to the extent of our demands for home consumption the duty-paid article will fix the price of the whole, just as duty-paid sugar now fixes the price of all the sugar which comes from the Hawaiian Islands.

Suppose Brazil makes some regulation or agreement which satisfies the President that it makes no discriminations against us, and he therefore continues to admit Brazilian sugar and coffee free, but Spain does not make any such arrangement, The Netherlands do not make any such arrangement (and we get large quantities of coffee from The Netherlands possessions in the East Indies), then duties will be imposed upon sugar and coffee coming here from the Spanish and Dutch possessions, but the Brazilian coffee and sugar, admitted free of duty, will be sold to our people at the same price precisely as the duty-paid sugar and coffee from the other countries.

In the mean time a bounty of more than \$7,000,000 will be paid every year to the manufacturers of domestic sugar in this country; that is to say, the duty-paid sugar from abroad will fix the price of sugar to our consumers, and we will continue to pay out of the public Treasury 2 cents a pound to the manufacturer, for this bill makes no provision whatever for the cessation of the bounty when the President imposes or reimposes a duty. They are to go on together. We are to issue the money to these favorites of the Government with both hands, from one in the form of a protective duty upon their products, from the other in the form of gold and silver from the Treasury of the people.

WHERE OUR FARMERS MUST LOOK FOR FOREIGN MARKETS

Mr. President, this is the character of the reciprocity and retaliation proposed by the pending bill. It will be of no value to our people, but may inflict great injury upon them. If we are to find markets for the products of our farms we must look across the ocean to the people who want such products and who are able and willing to buy them and pay for them. We must look also to our English-speaking neighbors on the north, who, in spite of our unfriendly tariff, purchase every year four or five million dollars' worth of our agricultural products in excess of the amount we purchase from them. If we can not have unrestricted reciprocity with the great countries of Europe, we can at least adopt, and ought to adopt, a far more liberal policy towards them than now prevails, and thus encourage their people to trade with us instead of expending millions of dollars every year to stimulate production elsewhere.

To England, France, Germany, Belgium, and The Netherlands our farmers send their products and sell them at prices which fix the prices here at home, and notwithstanding all the paper arrangements that may be made with the countries of South and Central America or China and Japan they must continue to send their surplus to those great markets in Europe. Instead of inviting genuine reciprocity or inaugurating a more liberal policy towards our best customers, we are increasing the rates of duty upon nearly all the articles which they have to sell us, contracting our trade, and depriving the farmer of a market at home or abroad for his surplus products; and this is being done upon the avowed theory that international commerce is a calamity from which the people should be protected by all the power and ingenuity of the Government.

COMMERCE IS NOT WAR; IT IS PEACE.

Very greatly to my surprise, I heard the distinguished Senator from New York who now sits in front of me [Mr. EVARTS] announce a doctrine the other day which struck me as so extraordinary in the Senate of the United States in these closing years of the nineteenth century that I made a note of it. Speaking on this bill, he said:

Sir, let us understand that with us in our system and age of civilization trade between nations stands for war in a sense never to be overlooked and never safely to be misunderstood.

The Senator then proceeded to speak of our shores being ravaged by foreign incursions in the guise of trade. That, Mr. President, is the old and barbarous doctrine that all trade between the peoples of different countries was commercial war, a doctrine which I supposed had been abandoned in every civilized and enlightened country. Commerce has, in my judgment, contributed more to the civilization of the world, more to establish fraternal relations between the peoples of different countries, than all other human agencies combined.

Commerce is not war; it is peace. People of different countries trade with each other for precisely the same reason that people of the same country trade with each other, because it is mutually beneficial; and whether there be high tariffs or low tariffs, or no tariffs at all, they will not trade unless it is profitable to do so. They do not trade for amusement or as a matter of charity or friendship, but for profit or to supply themselves with the necessities of life; and the usual result is that both parties are benefited by the transaction.

But, Mr. President, while there are several other questions which I desired to discuss, and while, in fact, I had expected to say considerably more upon the subjects already presented, I have now occupied the time of the Senate for over two hours, and I feel that inasmuch as the vote is to be taken this afternoon I ought to close.

Mr. MORGAN. Before the Senator concludes I wish to call his attention to the state of our treaty relations with Japan. In 1868 we negotiated a treaty of commerce with Japan in conjunction with four other powers, in which we practically limited by agreement the right of the Chinese Government to tax the larger part of the imports into that country from either of those countries to 5 per cent. ad valorem. A modification of the provisions of that treaty was provided by a convention signed by the respective plenipotentiaries of the several Governments in 1868. The first article of that modification reads as follows in regard to our goods imported into Japan:

ARTICLE I.

The contracting parties declare in the names of their respective Governments that they accept, and they hereby do formally accept as binding on the citizens of their respective countries and on the subjects of their respective sovereigns, the tariff hereby established and annexed to the present convention.

This tariff is substituted not only for the original tariff attached to the treaties concluded with the above-named four powers, but also for the special conventions and arrangements relative to the same tariff, which have been entered into at different dates up to this time between the Governments of the United States, Great Britain, and France on one side, and the Japanese Government on the other.

In class 4 of the tariff thus provided the following articles, when imported into Japan, are taxed as follows:

CLASS IV.—GOODS SUBJECT TO AN AD VALOREM DUTY OF 5 PER CENT. ON ORIGINAL VALUE.

Arms and munitions of war; articles de Paris; boots and shoes; clocks, watches, and musical boxes; coral; cutlery; drugs and medicines, such as ginseng, etc.; dyes; porcelain and earthen ware; furniture of all kinds, new and second hand; glass and crystal ware; gold and silver lace and thread; gums and spices not named in tariff; lamps; looking glasses; jewelry; machinery and manufactures in iron or steel, manufactures of all kinds in silk, silk and cotton, or silk and wool, as velvets, damasks, brocades, etc.; paintings and engravings; perfumery, scented soap; plated ware; skins and furs; telescopes and scientific instruments; timber; wines, malt and spirituous liquors; table stores of all kinds, and all other unenumerated goods.

By treaty arrangement Japan is prohibited from charging the people of the United States more than 5 per cent. ad valorem upon those articles. Then follows this provision as to exports:

CLASS III.—PROHIBITED GOODS.

Rice, paddy, wheat, and barley. Flour made from the above. Salt-peter.

CLASS IV.—GOODS SUBJECT TO AN AD VALOREM DUTY OF 5 PER CENT. TO BE CALCULATED ON THEIR MARKET VALUE.

Bamboo-ware; copper utensils of all kinds; charcoal; ginseng and unenumerated drugs; horns, deer, young or soft; mats and matting; silk dresses, manufactures or embroideries; timber; and all other unenumerated goods.

I wish to call the attention of the Senator from Kentucky to the fact

that we have by stipulations with Japan agreed that wheat and wheat flour and saltpeter and the other articles I have just referred to, including rice and paddy, are prohibited from being exported from Japan, and that nearly everything we export to Japan is taxed 5 per cent. by treaty agreement.

Mr. CARLISLE. What is the date of that treaty?

Mr. MORGAN. This is the convention following the treaty of 1864. This convention was advised and ratified by the Senate on the 17th day of June, 1868. This bill is in direct contravention of that treaty. We can not get reciprocity in flour and wheat or in scarcely anything else in Japan unless that treaty is set aside.

Tea has an export duty fixed upon it in that convention of 50 cents and 75 cents on the 100 catties, according to quality, the weight of the catties being one pound and a third, English avoirdupois.

AMOUNT OF TAXES ON SUGAR, COFFEE, AND TEA TO BE IMPOSED BY THE PRESIDENT.

Mr. CARLISLE. The Senator from Maryland [Mr. GORMAN] requests me to state before concluding my remarks what would be the amount of revenue collected in addition to that already provided for in the bill in case the President should reimpose duties upon coffee, sugar, and tea. The revenue derived from sugar would be \$28,000,000, from coffee \$17,200,000, from tea \$7,500,000, making in the aggregate an addition of \$52,700,000 to the taxes under the bill.

INCREASED TAXES ON VARIOUS ARTICLES.

Mr. President, I have dwelt very briefly upon the increases made by this bill in the woolen, cotton, and linen schedules, and I shall not now consume the time of the Senate by adding anything to what has been said except that I should like permission to insert in my remarks some of the rates which have been established upon those articles. As to the matter of linen goods I desire to say that the conference committee, in one instance, at least, has imposed upon articles of wearing apparel a higher rate of duty than was put upon them by either the House or the Senate. The bill as it passed the House imposed a duty upon shirts and all other articles of wearing apparel of every description composed wholly or in part of linen of 50 per cent. ad valorem. The Senate struck that out, the effect of which was to subject these articles to a duty of 40 per cent. under the general clause embracing all such manufactures not otherwise provided for.

The conference committee has restored the clause and made the duty 55 per cent. ad valorem, instead of 50 per cent., as the House had it, or 40 per cent., the rate agreed to by the Senate. In other words, the conference committee was not satisfied either with the rate which the House had made or the rate which the Senate had made, but increased it over both, and it so stands in the bill. The effect of this is to make quite a large increase in the duties upon these articles of necessity over the existing law and over the bill as it was agreed to in both Houses.

Now, Mr. President, I ask permission to insert in the RECORD some of the rates of duty—

Mr. ALDRICH. I of course do not intend to object to the request the Senator now makes, but if it would not be asking too much of him—I know he has been speaking for some time—but I should be very glad if he could make those statements now in the hearing of the Senate, that there may be an opportunity to answer any statement which he may make as to the effect of these increases. I am quite willing that he should have consent to print them, but I should like to know something about their nature.

Mr. CARLISLE. I will state to the Senator that I have a statement prepared here which I think is accurate, but which I desire to review, of course, before putting it into the RECORD. It relates, I believe, only to woolen goods and to window-glass and cotton goods.

Mr. ALDRICH. Can the Senator have it read by the Secretary?

Mr. CARLISLE. I will make a statement from it myself. The duty on woolen and worsted yarns valued at not over 30 cents per pound is increased from 70 per cent. to more than 132 per cent.

I will say to the Senator from Rhode Island that in nearly every instance, and I believe in every one, the rate of duty stated is based upon the unit of value as shown by the importations for the fiscal year 1889. Of course the Senator will understand that there may be articles upon which the rate of duty is very much higher than this, while on some it may be lower, because the official tables give simply the average value and the actual rate on a particular article will depend on its value or cost abroad.

On one grade of worsted knit goods for underwear and women's and children's dress goods, valued at less than 30 cents per pound, the duty is increased from 73 per cent. to 170 per cent.; and on another grade from a little over 76 to 176 per cent.

On the next class, valued at between 30 and 40 cents per pound, the duty is increased from 64½ to 147 per cent.; and on the next class, valued above 40 cents per pound, the duty is increased from 67½ to 129 per cent.

The duty on worsted shawls is increased from 62 to 80 per cent. The Senate will remember that there was some controversy about the paragraph under which these articles would be taxed, and on my motion in the Senate it was expressly inserted among the woolen and worsted cloths, in order to prevent them from being subject to a much higher

rate of duty under the clause relating to ready-made clothing, or the one which embraces cloaks and dolmans.

The duty on one class of woolen shawls is increased from 68½ to nearly 99 per cent., and on another class from 69½ to over 99 per cent.

The duty on one grade of flannels is increased from 67 to 120 per cent., and on blankets valued at more than 30 and not more than 40 cents per pound the duty is increased from 67 to 120 per cent.

The duty on ready-made clothing made wholly or in part of wool is increased from 54 to 84 per cent.; on cloaks, dolmans, etc., from 60 to 82 per cent. On cotton-ties and barrel-hoops the duty is increased from 35 to about 104 per cent., and on tin andterne plates from 34 to over 76 per cent.

Mr. ALLISON. I should like to interrupt the Senator to ask him a question.

The PRESIDING OFFICER. Does the Senator from Kentucky yield?

Mr. CARLISLE. Certainly.

Mr. ALLISON. I see the Senator states that on cotton-ties and barrel-hoops the rate has been increased. As I understand it there has been no increase in the rate on barrel-hoops.

Mr. CARLISLE. They are expressly provided for in the same paragraph, and if they are cut to length, or punched, or splayed, or wholly or partially manufactured in any other way, they are subjected to exactly the same rate of duty that is imposed upon cotton-ties.

Mr. ALLISON. But that is not the point. The point I make with the Senator is that cotton-ties are put upon the same rate of duty that has prevailed for years as respects every other kind of hoop-iron.

Mr. CARLISLE. That may be, but the duty on cotton-ties is increased by this bill from 34 per cent. to about 104 per cent.

Mr. ALLISON. But the duty on barrel-hoops is not increased.

Mr. CARLISLE. I may be mistaken in the statement that the duty on barrel-hoops is actually increased by this bill over the rate of the existing law, but I am not mistaken in the statement that if that article is cut to length, punched, splayed or flared, or otherwise wholly or partially manufactured for baling purposes, it will pay the same duty as cotton-ties.

Mr. ALLISON. If the Senator will allow me a moment more: Cotton-ties have been a separate article since 1883, and perhaps before that time, and they have been specially denominated in the tariff. This bill, as I understand it, simply relegates cotton-ties to the duty that has prevailed as respects other hoop-iron, which includes barrel-hoops.

Mr. CARLISLE. That may be; but it does not affect the accuracy of my statement. It is simply an argument in favor of what has been done, while I am merely stating the fact as to what has been done, and am not making an argument on the subject.

Mr. ALDRICH. Does the Senator from Kentucky mean to say that this bill in any one of its provisions fixes a duty of 104 per cent. either upon cotton-ties or upon barrel-hoops?

Mr. HARRIS. Unquestionably upon cotton-ties.

Mr. CARLISLE. I say it does upon cotton-ties.

Mr. ALDRICH. A duty of 104 per cent.?

Mr. CARLISLE. Yes, according to the statement of the expert submitted by the committee itself.

Mr. ALDRICH. The Senators upon that side discussed this question for three days, and I think every one of them said the duty fixed by the bill was 105 per cent. I notice that elsewhere in the discussion it was said that the duty was 135 per cent. Now, I want to impress upon the Senator, what he probably knows as well as I, that a statement to go out to the country that we have imposed a duty of 104 per cent. upon cotton-ties and barrel-hoops is as misleading and as incorrect as a statement can be.

Mr. CARLISLE. Does the Senator say that a duty of 104 per cent., or about that, has not been imposed upon cotton-ties?

Mr. ALDRICH. I do. I say that a duty of 1.3 cents a pound has been imposed upon cotton-ties. The Senator can take a unit of value possibly in some year when there may have been importations at a unit of value which would make a rate of duty of 104 per cent., but in the next year it may have been 52 per cent. What I mean is to impress upon the Senator, not only in regard to this increase, which he is now quoting, but the whole list he has given, that no such duties have been imposed by this bill, but it depends upon a hypothetical case which never existed.

Mr. CARLISLE. No, Mr. President, I take in every one of these cases the unit of value as given in the official statistics of importations which are here before me in the tables reported by the Committee on Finance.

Mr. ALDRICH. There are no such—

Mr. CARLISLE. And on many articles the duties are much higher than I have stated.

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Rhode Island?

Mr. CARLISLE. Certainly; but before yielding I desire to call the attention of the Senator from Rhode Island to the fact that notwithstanding he says we may "suppose" a unit of value which would put the rate of duty upon cotton-ties at 104 per cent., in the tables submitted

by the Committee on Finance the actual unit of value for the fiscal year 1889 is given and the equivalent ad valorem is calculated and stated by the expert at 103.71 per cent., which corresponds with my statement that it was nearly 104 per cent. In order that there may be no further controversy as to the accuracy of my statement, if these tables are correct, I will give the figures from the tables now before me.

In 1889 there were imported 67,573,062 pounds of cotton-ties valued at \$347,012.61, and the duties collected, at 35 per cent. ad valorem, were \$296,454.40. The tables state that the duty collected under the specific rate fixed by the House bill would be \$378,449.80, and under the Senate bill precisely the same; that the value was 1.3 cents per pound, and that the ad valorem rate under the bill as it now stands is 103.71 per cent. This is the statement submitted by the committee itself.

Mr. ALDRICH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Rhode Island?

Mr. CARLISLE. Yes, sir.

Mr. ALDRICH. The Senator from Kentucky understands as well as I, and I have repeated it in his presence a dozen times, that the figures which he has read are not in any sense the report of the Committee on Finance.

Mr. CARLISLE. I have not said they were, but they were submitted to the Senate by the committee with the bill.

Mr. ALDRICH. They were furnished by the Bureau of Statistics, and purport to furnish a unit of value for the importations of the fiscal year ending June 30, 1889. What I say to the Senator is that if cotton-ties are worth abroad 1.3 cents, of course a duty of 1.3 cents is 100 per cent. If they were worth 2.6 cents abroad (and they are worth to-day nearer 2.6 cents than they are worth 1.3 cents) then the duty is only 50 per cent. I say it misleads the public to assert that we have imposed a duty of 104 per cent. upon cotton-ties when we have done nothing of the sort, and it can only be made 104 per cent. upon some hypothetical case which can never exist, because the importations for another year can never be what they were in 1889.

Mr. CARLISLE. The Senator is of course proceeding upon the hypothesis that there has been an undervaluation at the custom-houses, about which I know nothing. I have taken the official statistics just as they are.

Mr. ALDRICH. But they show nothing. They do not show the rate. The Senator is undertaking to discuss the rates of this bill and he is not discussing the rates of the bill at all. He is saying that if the price of cotton-ties is 1.3 cents, a duty of 1.3 cents is 100 per cent. That is a plain mathematical proposition that anybody will agree to.

Mr. CARLISLE. Certainly, and that is all of it.

Mr. ALDRICH. But I say to the Senator if the price is 2.6 cents the duty is only 50 per cent., and I have just as much right to say that the duty fixed by this bill is 50 per cent. as the Senator has to say that it is 100 per cent.

Mr. CARLISLE. The Senator has no such right, because my statement is based upon the official returns now before me. I agree with the Senator that if the price was 5 cents a pound, for instance, 1.3 cents would be comparatively a very small duty, but the price was not 5 cents a pound, nor 2 cents a pound, nor 1½ cents a pound, but according to the official statistics it was 1.3, and that is what I must be governed by, unless the Senator can produce evidence to show that imported cotton-ties were undervalued in 1889, or that their cost abroad has increased since that time.

Mr. ALDRICH. If the Senator will allow me, I will call his attention later on to a statement made by the Senator from South Carolina [Mr. BUTLER], who is very much interested in this question, and who read a letter or telegram, I am not sure which, from some correspondent of his in Charleston, saying that it cost at the present time to import cotton-ties \$1.26½ a bundle, which is about 1.9 cents a pound instead of 1.3 cents, and fixing the rate of duty, according to his own statement, at about 70 per cent. According to the statement of the Senator from South Carolina himself the duty is only 70 per cent. instead of 103 or 105 per cent. What I object to on the part of the Senator and all Senators upon that side is that they speak of a duty based upon a hypothetical case as though it had an actual existence, when it exists merely in the imagination of Senators on the other side.

Mr. CARLISLE. Does not the report show that it has an actual existence?

Mr. ALDRICH. No, sir; not by any means.

Mr. CARLISLE. Then what does it show?

Mr. ALDRICH. It shows that during the year 1889 the unit of value on cotton-ties imported was 1.3 cents, and the Senator takes that and applies it to the proposed law and says that this proposed law imposes a duty of 104 per cent. I will agree with him that if 1.3 cents was an honest valuation, which it was not, and if the price in the year 1890 is what it was in 1889, as it is not, then he would be undoubtedly correct; but there are two "ifs" in the way.

Mr. CARLISLE. Well, Mr. President, there seems to be no real issue between the Senator and myself at all. He agrees that if these official statements are correct my deductions are correct.

Mr. HARRIS. And they are official.

Mr. CARLISLE. Now, in order to reconcile the differences between us I will agree that if these official statements are not correct my deductions are not correct.

The committee of conference has reported a clause which will bear with peculiar hardship upon the workingmen and workingwomen of the country, and I desire to call attention to it before concluding, because it contains an entirely new provision.

Mr. ALDRICH. Has the Senator completed his statement of the advances made by the bill?

Mr. CARLISLE. I have not attempted to state all the advances made by the bill, but only a few. On some grades of cotton plush and velveteens the duty is increased from 40 to over 100 per cent.; on one class at least it is increased to 118 per cent.; on hosiery, from 40 to over 60 per cent.; on some kinds of cotton wearing apparel, from 35 and 40 to 50 per cent.; and on nearly all the better grades of cotton cloth the duties are largely increased.

THE TAX ON GOSSAMERS.

Mr. President, as this bill came from the House it contained this provision in the cotton schedule:

Provided, That all such clothing ready made and articles of wearing apparel having India rubber as a component material shall be subject to a duty of 60 cents per pound, and in addition thereto 50 per cent. ad valorem.

This includes rubber or partly rubber coats, cloaks, and other garments which all our working men and women are compelled to buy and use in order to protect themselves against the inclemency of the weather, articles which can not be dispensed with if this class of our people are to be comfortable while engaged in their occupations and going to and from them. The Senate struck this provision from the bill, but the conference has reported it back in the following form:

Provided, That all such clothing ready made and articles of wearing apparel having India rubber as a component material—

Not the component material of chief value, but the component material to any extent whatever—

(not including gloves or elastic articles that are specially provided for in this act) shall be subject to a duty of 50 cents per pound, and in addition thereto 50 per cent. ad valorem.

I am advised that one of these garments for men's wear weighs about 4½ pounds, and that 2 pounds of this is rubber and the remainder of the material cotton. Rubber is free and raw cotton is free, so that the whole duty which is given by this bill is a protective duty for the exclusive benefit of the manufacturer. This article weighing 4½ pounds costs abroad \$5. The duty, therefore, will be \$2.25 specific and \$2.50 ad valorem, making a tax of \$4.75 upon this necessary article of wearing apparel, the cost of which without the tax is only \$5. There is no justification whatever for this excessive rate of duty in view of the fact that the manufacturer gets all his materials free except the buttons and the thread, if any thread is used. Mr. President, I will not detain the Senate longer.

Mr. ALLISON. Mr. President, having been a member of the conference committee on the part of the Senate and having signed this report, I desire to say a few words respecting it.

I think it is well enough for us to consider the stage of the bill at this time. Of course, if this report is adopted nothing remains except the signatures of the two presiding officers and of the President of the United States to the enrolled bill.

This bill came to us from the House of Representatives on the 21st day of May. It was amended in a very large degree in the Committee on Finance and was further amended in the Senate Chamber, so that when it reached the conference upon the part of the two Houses there were, I think, about four hundred and sixty substantial amendments. These amendments in a few instances covered increases of duties, notably in the case of sugar. In a large number of instances there were diminutions of duties as compared with the House bill.

The amendments of the Senate went to the House of Representatives and were non-concurred in, so that the judgment of the House as respects the merits of the original bill and as respects the merits of that bill compared with the Senate amendments was twice expressed, non-concurring in each and all of the amendments of the Senate. So the conferees on the part of the Senate had only before them those portions of the bill wherein the Senate had disagreed from the original text of the House bill.

The Senator from Kentucky [Mr. CARLISLE] says that the conferees upon the part of the House and the Senate have largely increased the duties as compared with the bill as amended by the Senate. That is true to a certain degree, but not true with the exception of two schedules in this bill.

As I understand the duty of a conference, it is to endeavor to bring the two Houses together, and to do whatever can be reasonably done to facilitate the passage of the bill, and not to interfere with its passage. So, having that in view, I as one member of the conference committee did consent to an increase in one or two of the schedules of this bill; but with the exceptions I have named, most of the amendments proposed by the Senate were agreed to, or, if not agreed to, they were compromised, so that in the compromise the rates of duty fixed were less than those originally proposed in the House bill. I agreed to this com-

promise as a means of bringing the two Houses together and making a report and subjecting it to the judgment of the Senate.

The Senator from Kentucky says that the effect of this bill, by and large, as the conference have reported it, is to only diminish the revenues \$2,000,000. I wish to differ with him absolutely as respects the effect of this bill by and large. I believe this bill as it now stands will reduce the revenues of the Government to the extent of from forty to forty-five million dollars, and it will reduce those revenues without materially increasing any burdens unless it may be upon one or two articles.

The Senator from Kentucky states that upon the basis of the importations of 1889 there will come in dutiable articles under this bill \$390,000,000 in value; I think that was, in substance, his statement. Of that \$390,000,000 I assert here that more than one-half of the whole is not subject to an increase of duty over and above the existing law; that of five schedules in this bill the general tenor and effect is to reduce duties. These five schedules were reiterated by me in the debate, and cover an importation of \$107,000,000 in round numbers. They are Schedules A, B, D, M, and N. In these schedules the rates of duty are not substantially changed, and all the increase of revenue upon the basis of the importations of 1889 comes from two or three or four schedules in this bill.

As I stated in the debate, this increase comes largely from tobacco and from wool and woolen goods. These are the two great schedules in this bill where there are increases of duty over and above the existing law, and these increases come from the fact in the one case that the committee decided that tobacco could bear an increase of taxation—because it is taxation—and that in the other case the million or more of wool-growers in the United States were fairly entitled to an increased duty upon this farm product which they produce. Having settled that question, it became necessary in the judgment not only of this side of the Chamber, but of the other side, to increase correspondingly the duties upon woolen goods. Otherwise the farmers who produce wool could receive no benefit from that increase.

It is true that we have increased the duties upon the higher manufactures of cotton goods to some extent, but this will cut a very insignificant figure comparatively in the importations as well as in the revenue. But I do not wish to enter into the details of that discussion.

The Senator from Kentucky estimates the increase of revenue upon woolen goods at \$15,000,000. That will not, in my judgment, be its effect; it will probably be an increase of one-half of that, as I estimated some days ago. The increase upon cotton goods will not exceed \$700,000. The increase upon linen goods the Senator from Kentucky estimates at \$5,000,000.

I think that too large an estimate, although I agree with him that the conference report does indicate a considerable increase in the duties levied upon linen goods, and I agree with him also that until this linen industry is more thoroughly established in our country it may be within the power of those who import these goods to add somewhat to the price of them. It was because the House of Representatives, that body which, by the Constitution of the United States, originates tax bills, insisted that this linen schedule as amended in the Senate was an unjust schedule to the agricultural interests of our country, that I, as one of the conferees on the part of the Senate, finally agreed to the compromise provisions which are inserted in the conference report.

The Senator from Kentucky stated that we had in one instance increased the duty beyond even the House bill. That is true. It was the intent of the conference to increase the duty upon one single article of importation of linen goods beyond the amount inserted in the House bill. That was done because we had increased the raw material of that article all along the line. But I will say to the Senator from Kentucky that unfortunately that increase is not in the conference report. I am told that a joint resolution of some kind or a concurrent resolution instructing the enrolling clerks to insert it will be introduced elsewhere and may be here for consideration very soon.

Mr. CARLISLE. I said in the conference report, because at that time I did not know that a mistake had occurred. I unite with the Senator in saying that it ought to have been there, because it was agreed to by the conferees.

Mr. ALLISON. I say it was agreed upon. The Senator from Kentucky says that we have increased the revenue upon tin-plate \$3,000,000. That is true if it shall turn out that for the year ending June 30, 1892, as much tin-plate will be imported as was imported in the year 1889.

Mr. PLATT. At the same price?

Mr. ALLISON. No, without reference to the price, because we have a specific duty; but if the same quantity shall be imported between the 1st day of July, 1891, and June 30, 1892, then I agree that the revenues will be increased to that extent. But if there is any faith to be placed in the iron and steel industry of our country, which increased its production between 1880 and 1890 to the extent of 6,000,000 tons, or about trebling its production—if there be anything in the promises, the prospects, the projects of these men, then it will turn out that when the 1st of July, 1892, shall come we shall be producing in our own coun-

try tin-plate to a very large extent, and to that extent the importations will be diminished.

We have retained substantially in the conference report the amendment introduced in the Senate by the Senator from Wisconsin [Mr. SPOONER] extending the time for a single year. That amendment has substance in it, but there is more substance combined within that than in the amendment itself. It is that if the great iron and steel industry in the United States will not, now that they are to be protected in the production of tin, engage in that production, and compel the people of the United States, as hitherto, to pay large and undiminished prices to monopolies in other countries for the tin they produce, then this tin duty will be swept from your statute-books.

I believe that within five years from this time we shall be manufacturing substantially all the tin that we consume in the United States. I believe also that instead of increasing the price that price will be diminished to all the consumers in the United States within the next five years; and I now put my own prediction against the prediction of Senators on the other side of this Chamber that within five years from this time we shall substantially produce all the tin we consume, and that we shall receive it, if we consume it, at a less price than we have paid for the last ten years to those who manufacture it abroad.

Mr. COCKRELL. What has already been the effect of this bill?

Mr. ALLISON. What has been the effect of it?

Mr. COCKRELL. Yes, sir.

Mr. ALLISON. I do not understand exactly what the Senator means.

Mr. ALDRICH. He means as to tin-plate.

Mr. COCKRELL. I ask what has been the effect already in increasing the price of tin-plate?

Mr. ALLISON. This bill certainly has had no effect in that direction, for that portion of it does not go into effect until July, 1891.

Mr. DAWES. What was the effect of the Mills bill?

Mr. ALLISON. The Senator from Massachusetts very properly asks what was the effect of the Mills bill. That certainly increased the price of tin-plate, if any statute has had that effect.

Mr. HOAR. Let me ask the Senator from Iowa if it is not true that one or two manufactories of tin-plate went into operation in St. Louis within a few days?

Mr. ALLISON. I understand that since this bill has passed the Senate there have been three tin-plate factories already established in the United States. I hope and expect to see them established in the very region in which I dwell, in Chicago and in Wisconsin, where there are inexhaustible quantities of the very best ores for the production of tin-plate.

Mr. GRAY. I understand the Senator from Iowa to say that already three manufactories for the manufacture of tin-plate have gone into operation.

Mr. ALLISON. So I have learned.

Mr. GRAY. Then they have gone into operation under the present laws and must continue under the present laws until July, 1891.

Mr. ALLISON. Undoubtedly.

Mr. GRAY. If they can do that, they can keep on.

Mr. ALLISON. Undoubtedly they will keep on. It is true we have enough tin-plate in this country for a great many years. It is only a certain class of tin-plate that our manufacturers were not able to produce because of the fluctuating price in Wales down and up as against our own manufacturers; but I did not wish to enter into the discussion of that tin-plate question beyond merely expressing my own belief respecting it.

Mr. GRAY. May I ask the Senator one other question?

Mr. ALLISON. Certainly.

Mr. GRAY. The tax proposed to be placed on tin-plate is upon all classes of tin-plate, is it not?

Mr. ALLISON. It is.

Mr. GRAY. And yet the Senator says that there is only one class that can be manufactured in this country under the present law.

Mr. ALLISON. I will say with sincerity that I have always believed that if our manufacturers had resolutely fought this combination in Wales they could have kept it out; but they have not been able to do it as respects the thinner gauges of tin-plate. That is what I am speaking of. It is not a class particularly, but we have manufactured the heavier grades of tin-plate for some years in our own country, and we have manufactured the lighter grades to a considerable extent in many of the manufactories in this country, as I am told.

We have placed a light duty upon block-tin of 4 cents per pound, but the Senator from Kentucky states that that increases the revenues \$1,200,000 per annum. The importations of block-tin into the United States are very large, 18,000 tons in all, I believe, in round numbers, which is more than one-third of the entire production of block-tin in the world. Am I right about that?

Mr. ALDRICH nodded assent.

Mr. ALLISON. Certainly more than one-quarter of the entire consumption of block-tin.

Now, it is said that there are in North and South Dakota, or perhaps wholly in South Dakota, mountains of this tin, and those mines are richer in tin than the mines of Wales. Tin is a product of such scar-

city in the world that it is of immense value, not only to ourselves, but to all the world that uses tin, to develop its production. Therefore, if it shall turn out that under the provisions of this bill 5,000 tons of cassiterite shall be produced in the United States in any one year between now and 1895, the price of tin will be reduced the world over, and we shall not only secure cheaper tin by this development of this new industry in the Northwest, but all the world will secure cheaper tin, and what is true about tin is practically true of tin-plate.

As you increase the production of these articles, the consumption being the same, the price must go down; and is it not as clear as noon-day that if we shall produce 250,000 or 300,000 tons of tin-plate in the United States we shall thus add to the tin-plate production more than one-half, and that the price not only here but every where must go down?

I wish to say one word about cotton-ties, having a memorandum of what the Senator from Kentucky said on that subject. I do not undertake to say what the duty upon cotton-ties will be under this bill. Of course it will depend upon the unit of value abroad. It may be 100 per cent.; it may be 50 or it may be 60 per cent.

But what I object to as respects the remarks of the Senator from Kentucky is that he included in that written statement of his, with cotton-ties, barrel-hoops. Why, Mr. President, those who use barrel-hoops and all other forms of hoop-iron have been compelled to pay the duty imposed in this bill for all these years, and all this bill has done is to place cotton-ties, which have hitherto been in a separate paragraph, upon an equal footing with the other forms of iron of a like quality and character. If this operates harshly upon some of the people in the Southern States it is infinitesimal in its results upon the great cotton crop of this country, as I have heretofore shown.

Mr. President, I wish to say a word or two as respects the conference agreement on this bill. The Senate reduced the crockery schedule 5 per cent. This schedule was restored as provided in the House bill, the phraseology being changed in many important respects, and especially in one, which, as I understand, is the leading change in this bill with the exception of the linen schedule. In other respects the Senate amendments stand substantially as reported, with here and there a division of the amount of duty as between the two Houses.

The Senate put upon this bill binding-twine as free. The House of Representatives with great persistence insisted upon a duty upon binding-twine, and finally these differences were composed by a substantial division between the rate imposed in the House bill and the free binding-twine proposed by the Senate, and I agreed to it. To those who object to that provision of the report I answer that it is better for those who consume binding-twine to have the duty at seven-tenths of a cent a pound rather than 2½ cents a pound, which is the present law. In other words, the rate of duty has been reduced eighteen twenty-fifths, or 72 per cent., as compared with the existing law on binding-twine.

I do not know of any other material changes as respects the rate of duty than those I have mentioned. The cotton schedule was scarcely in conference, and the woolen schedule not at all practically, for the Senate had agreed to the woolen schedule of the House substantially, so that that was not in conference. I wish to consider for a moment the question involved in the changed provisions of the bill regarding sugar, and I must say that I am not quite satisfied nor am I much gratified at the disposition of that subject exhibited in this debate by those who produce sugar.

I conversed with the planters of Louisiana on the subject when they were here, and there was not one of them with whom I conversed who did not say that this bounty of 2 cents a pound would manifestly stimulate the production of sugar in Louisiana; that if it could be maintained it would be a great boon to them. The Senator from Louisiana [Mr. GIBSON] yesterday, as I understood him, charged the committee and the conferees with discriminating against this great industry.

Why, Mr. President, so far from discriminating against them, we have discriminated in their favor. If they are to be turned out of court and not to be discriminated for, then the policy marked out by the Senator from Kentucky is to discriminate against and destroy them.

Can it be supposed by the people of Louisiana and the other States, who produce less than one-tenth of the sugar consumed in this country, that we are to tax everybody in the country in order to give them 2 cents a pound or 2½ cents a pound upon the sugar they produce? That has been the effect of it during all these years.

This protection, so called, to the sugar industry, as far as it respects the production of cane sugar in Louisiana, has been a menace to the tax-payers of the country. They have not increased substantially their product of sugar; they have not proposed to increase that product substantially; and but for the fact that there seems now to be an indication that we shall have sugar in large quantities from beets and from sorghum there would be little inducement, I confess, to give to the cane-sugar planters of Louisiana a bounty in order to develop the production. They have tried it for forty years, and they have produced this year but little more than they did forty years ago, and under special protection and stimulation beyond any other industry of the time, because even in the days of what is known as the tariff of Mr. Walker, of 1846, they had better protection than any other industry in the country, if that could be called a protective tariff.

The theory of this bill is not to discriminate against Louisiana or that industry of Louisiana. It has for its object, as I understand it, two purposes: First, to produce cheap sugar to the consumers of our country. It is just as well known as that we are sitting here to-day that we pay 2 cents more a pound for sugar than the people of England pay for sugar, sugar there being free and here being taxed on an average 2 cents per pound upon a polariscopic test of 90 degrees. Then in connection with this question of cheap sugar comes another question.

Mr. GRAY. May I ask the Senator a question at that point?

Mr. ALLISON. Yes, sir.

Mr. GRAY. Does the Senator say the effect of this bill in the sugar schedule will bring to the people of the United States, the consumers of sugar in this country, sugar at the same cost that it is obtained now in Great Britain?

Mr. ALLISON. I mean to say that the difference now between the price of sugar in this country and in Great Britain is on an average, on the polariscopic test of 90 degrees, 2 cents a pound. I mean to say that under the provisions of this bill sugar testing 90 degrees by the polariscopes will come in 2 cents cheaper than it comes in now, and that the consumers of this country will have the benefit of the 2 cents reduction.

Mr. GRAY. Is it not a fact that the refined sugars will pay a tax which is not imposed in Great Britain on the sugars of the same class to-day, under this bill?

Mr. ALLISON. Undoubtedly. I am now speaking of sugars having a Dutch standard of color not more than 16, which is the common yellow sugar of our country. I am saying that as respects these sugars there will be a reduction in the price to the consumers of our country to the extent of 2 cents a pound. That is the first thing. In addition to that, by the provisions of this bill as respects refined sugar, which I will reach later on perhaps, if I have time, we shall be substantially upon a footing as respects that price, certainly not a difference of half a cent a pound between our sugars and the sugars of the world.

That is one thing sought to be accomplished by this bill. Another thing is that we believe it is to the interest of this continental possession of ours, peopled by a population of sixty-five millions, to produce all it needs of as essential an article as sugar. Therefore, having failed for one hundred years to do it by the processes that we have hitherto adopted, we said we would insert in this bill a provision whereby we would give a bounty of 2 cents a pound to every producer of sugar who would produce sugar that would test 90 degrees polariscopes, thus placing the sugar producer in our country upon an exact equality with his present position as respects existing law. If that sugar tests less than 90 and more than 80 he is to receive 1½ cents a pound bounty.

Mr. President, I regard this bounty as ample for the sugar producers of our own country. Therefore, I am not in sympathy with the Senator from Nebraska [Mr. PADDON], who criticised these provisions as respects sugar. Why do we give this bounty at all? It is only necessary because great European nations who do not give a bounty, except for exports, send their sugar here at a very low rate of cost, and our people are not likely to compete with them unless they have a bounty. Their arrangements as respects sugar are very peculiar. Their own people pay a high price for sugar, and if we could tax our people as Germany taxes her people or as France taxes hers, I have no doubt by that method we could soon establish sugar production in this country. But surely on the other side of the Chamber there would be no one willing to do that, and it would be a question of experiment with us on this side whether the people would sustain such taxes.

If beet sugar is a success in our country I have no doubt that in ten years we shall adopt that method of excluding foreign sugar. We have a right to do it, but we can not afford, nor is it necessary for us now, to tax sugar for that purpose. Germany taxes the roots, the beets, and the manufacture, and then taxes to the extent of prohibition all sugar from other countries. France does practically the same thing, and Russia does the same. It is by this double exclusion that they not only produce the sugar which they consume, but in recent years they have produced a surplus, and that surplus, under their arrangements as respects their taxes, can be exported in such a way as to result in a bounty to the men who export the sugar. Cuban sugars are excluded from Germany and from France and from Holland and from Russia and from all Europe except England, and that is the reason why the West India Island sugars practically come here. The only competition they have is the competition between the English refiners and our own and the English consumers and our own people. Therefore this bounty provision is inserted for the care and protection of all the people who produce sugar in our country, whether from beets or sorghum or cane.

But if the position taken by the Senator from Kentucky be true then all these provisions ought to fall. His argument is that under the Constitution we have no right to impose a bounty for the production of sugar. The bounty system proposed in this bill, the Senator says, is unconstitutional. He argues that all these tariff schedules are but systems of bounty, and the inevitable logic of his argument is that this whole bill is unconstitutional, although he did not quite say so. In other words, the Senator from Kentucky has argued here by the hour to show that under the Constitution of the United States we have no right to impose a system of direct or indirect bounties, and therefore

this whole bill is unconstitutional, because the effect of it is in both instances to impose bounties in favor of certain persons on certain articles.

Mr. President, if this bill be constitutional at all it is as constitutional to impose a bounty directly as it is to impose a bounty indirectly, as suggested by the Senator from Kentucky. Therefore, according to the argument of the Senator from Kentucky and the inevitable logic of his argument, we can only impose duties for revenue and for no other purpose. That is his argument, and I do not see why it is necessary for him to spend time in showing that we might impose a duty under the reciprocity provision of the bill of 10 cents a pound upon tea. According to the logic of his argument we ought to do that now in this bill for the purpose of raising revenue, instead of levying duties discriminating in favor of our industries where such discrimination is deemed wise and just; and the Senator argued for a long time to show that this direct system of bounty was in this bill. When he was arguing I took up the first volume of the United States Statutes, being attracted to it by his own statement, which was that we had given bounties to fishermen for nearly a century of time, and that in different phraseology those bounties still exist, running through all the changes and mutations of politics practically since the foundation of our Government.

I am sorry the Senator from Kentucky is not in his seat. I should like to ask him why it is that the fathers of the Republic, the men who sat in the first Congress of the United States and who passed this law, did not see the unconstitutionality of the provision as he now sees it, and nearly one-third of them were members of the Constitutional Convention itself. These men, in 1789, on the 4th day of July—a memorable day—passed the law which I hold in my hand. They began it by saying:

Whereas it is necessary for the support of government, for the discharge of the debts of the United States, and the encouragement and protection of manufactures, that duties be laid on goods, wares, and merchandises imported.

That was what our fathers thought of their constitutional power. But that was not all. They discriminated, and they gave bounties in this first law—to whom? They dealt with teas as we do.

On all teas imported from China or India, in ships built in the United States, and belonging to a citizen or citizens thereof, or in ships or vessels built in foreign countries, and on the 16th day of May last wholly the property of a citizen or citizens of the United States, and so continuing until the time of importation, as follows:

On Bohea tea, per pound, 6 cents.
On all Souchong or other black teas, per pound, 10 cents.
On all Hyson teas, per pound, 20 cents.
On all other green teas, per pound, 12 cents.
On all teas imported in any other manner than as above mentioned, as follows:
On Bohea teas, per pound, 15 cents.

Thus discriminating 9 cents per pound in favor of the men who at that moment owned ships in the United States and sailed them. What was the constitutional authority to give those bounties to the men who were sailing our ships in 1789? The Senator from Kentucky stated that there was a public purpose in it, to improve and build up a navy and commerce; but I should like to know what interest the Kentucky pioneer had in the building up of our commerce which was at all equal to that of the man who owned the ship to have this discrimination in his favor.

Mr. ALDRICH. My colleague on the committee will allow me to call his attention to an act which was passed in 1829, to be found in 4 Statutes at Large, page 331, which paid a bounty on refined sugar of 5 cents a pound when exported.

Mr. ALLISON. I thank the Senator, and I wish he would hand the statute to the Reporter. I should like to have it inserted.

Mr. ALDRICH. Very well.

The statute is as follows:

An act allowing an additional drawback on sugar refined in the United States and exported therefrom.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That from and after the passage of this act there shall be allowed a drawback on sugar refined in the United States, and exported therefrom, of 5 cents per pound, in lieu of the drawback at present allowed by law on sugar so refined and exported: *Provided*, That this act shall not alter or repeal any law now in force regulating the exportation of sugar refined in the United States, except to change the rate of drawback when so exported: *And provided*, That this act shall cease to be in force so soon as the exports of sugar shall be equal to the imports of the same article.

Approved January 21, 1823.

Mr. ALLISON. The Senator from Kentucky says it is a great public purpose to build up a navy. So it is. If it is a great public purpose to build up an army or a navy, is it not a great public purpose to be self-sustaining as respects our Army and our Navy? Is it possible that you can draw a line in this way, splitting and dividing hairs, by saying that one thing is a great public purpose and another is not? The Senator, it seems to me, in his argument failed to draw any distinction. Now, then, as respects the importation—I only illustrate it by tea. The fourth section of the same law provides:

SEC. 4. *And be it (further) enacted by the authority aforesaid*, That there shall be allowed and paid on every quintal of dried and on every barrel of pickled fish of the fisheries of the United States and on every barrel of salted provision of the United States exported to any country within the limits thereof, in lieu of a drawback of the duties imposed on the importation of the salt employed and expended therein, namely:

On every quintal of dried fish, 5 cents.

On every barrel of pickled fish, 5 cents.
On every barrel of salted provision, 5 cents.

What was the object of putting a bounty of 5 cents upon every barrel of salted provisions? Was that to create sailors? It was said that the object of a bounty to the fishermen was to create sailors in our country, hardy seamen, but the hardy seamen and the producer of salted provisions alike became the beneficiaries of this law.

So, sir, from the very foundation of our Government to this moment we have dealt in bounties and in drawbacks which are but bounties, and we have asserted, as the preamble to the first law on this subject declares, that we have a right by our legislation to encourage and protect manufactures. So the question suggested by the Senator from Kentucky and the authorities read by him are mere "leather and prunella" in the presence of all these great facts and the history of our country in this regard.

What does it matter whether a State can give a bounty to a man who will build a mill or not? This bounty is not put upon such narrow grounds as that. It is put upon the solid ground that we believe it is as much to the interest of the 65,000,000 people that we produce our own sugar as it is that we produce our own steel rails, or our own iron, or our own guns, or our own ships. Are we to be dependent in case of difficulty with Germany upon the bounty-protected sugar of Germany? Are we to be cut off from our supplies of sugar from the islands of the sea because perchance we are in a war with Spain or Great Britain? It seems to me that this view as respects our duty to build up all these great industries necessary to our protection and preservation is as essential as any other connected with our Government.

But there is still another view as regards the sugar bounty, and that is that the main object is to produce cheaper sugar to the consumer. That is another main object. Germany thinks it wiser for her to produce her own sugar. Russia does, Belgium does, Holland does, France does. Why do they think so? They wish to utilize in the best possible way their agricultural lands, and that is found to be the best way.

Now, can it be said that because sugar may not be grown upon every acre of land in the United States, therefore the bounty is unconstitutional? That is the argument of the Senator from Kentucky. I am not so certain, and I will give a note of warning on this question of bounty to sugar-cane. If it be true that all the people who are interested in this bounty spurn it and denounce and declare it unconstitutional, they may find a Congress that will take them at their word. I for one am in favor of taking care of that industry in the same way that I take care of the beet industry; but how long can it be popular to thus administer this bounty when the beneficiaries of it say that it is unconstitutional and they spurn it?

Mr. President, I have said a good deal more than I intended when I rose to speak this morning. I merely desired to put upon record the fact that in this great bill, introduced as it has been by the Republican party, fostered and sustained as it has been by the Republican party, opposed in each and all of its stages by the Democrats, I have done the best I could as a member of the conference committee to arrange it fairly and justly as regards the interests I represent. I believe it is on the whole a fair bill to every section of this country as a protective measure, and I do not believe that its general effect will be to operate harshly upon one section of the country as against another. I think many of these duties are too high. I have so said more than once upon this floor. I have tried with my associates on this side of the Chamber and on that to modify many of them.

I have felt all the time that neither the State of Ohio nor the State of Massachusetts nor the State of Iowa, which I represent in part, could make this bill as it ought to be. We are now a people of forty-two States, having diverse interests and industries and activities. It is for us in a great measure of this kind, affecting the whole country, to so adjust it and arrange it as to create the least possible friction in any part of the country, and deal justly and fairly by every section of it. I have been animated by that spirit in what I have done personally upon this bill, and I believe that my associates upon this side of the Chamber have been so animated. It goes now to the country as an experiment in many of its features, especially as respects the sugar bounty. I hope to maintain it and sustain it in my place here, in a sense being responsible for it, as long as I have the opportunity to do so, in order to test our capacity to compete with Europe in the production of sugar.

I hope this bill will have a fair test as respects its other provisions, and if it shall prove beneficial, as I believe it will, it will settle the question of the tariff for many years to come.

But I feel sure that no measure can ever receive the approval of the American people that is possible to be framed under the interpretation of the Constitution as delineated this afternoon by the Senator from Kentucky, because if his argument is true at all it goes to the point that we are compelled always under our Constitution to draw a line such as we drew upon Japan, a 5 per cent. or 10 per cent. or 20 per cent. ad valorem rate, because under his argument we can in no way, directly or indirectly, discriminate against or in favor of any interest in this country. Surely that will not do.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed the bill (S. 2014) for

the relief of certain settlers on the public lands of the United States and to authorize the taking and filing of final proofs in certain cases.

The message also announced that the House had passed a concurrent resolution directing the Clerk of the House to number consecutively the paragraphs and sections of the bill (H. R. 9416) to reduce the revenue and equalize duties on imports, and for other purposes; in which the concurrence of the Senate was requested.

SIGNAL CORPS OF THE ARMY.

Mr. BATE. I ask the indulgence of the Senate to present at this time a conference report on the bill in relation to the Signal Corps and the Weather Bureau. The bill as agreed upon by the conference committee is substantially the same as the Senate bill. There are some changes of phraseology which were mutually agreed upon by the conferees, but it does not affect the bill materially, and I therefore ask that the report be concurred in.

The VICE-PRESIDENT. The conference report will be read.

The Secretary read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1454) to increase the efficiency and reduce the expenses of the Signal Corps of the Army and to transfer the Weather Service to the Department of Agriculture, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment to the bill of the Senate (S. 1454), and agree to the same with the following amendments:

In line 1, page 1 of the Senate bill, before the word "duties," insert the word "civilian;" and the Senate agree to the same.

In line 2, page 1 of the Senate bill, after the word "shall," insert the word "hereafter;" and the Senate agree to the same.

In line 2, page 1 of the Senate bill, after the word "upon," strike out "two bureaus, one" and insert in lieu thereof the words "a bureau;" and the Senate agree to the same.

In line 4, page 1 of the Senate bill, strike out the word "transferred" and insert in lieu thereof the words "established in and attached;" and the Senate agree to the same.

In line 4, page 1 of the Senate bill, after the word "and," strike out the words "the other to be known as;" and the Senate agree to the same.

In line 5, page 1 of the Senate bill, after the word "Army," strike out the words "to remain in the War Department" and insert in lieu thereof the words "shall remain a part of the military establishment;" and the Senate agree to the same.

In line 6, page 1 of the Senate bill, after the word "War," insert the words "and all estimates for its support shall be included with other estimates for the support of the military establishment;" and the Senate agree to the same.

In line 7, page 1, section 2 of the Senate bill, after the word "the," strike out the words "Signal Corps shall, as at present, form a part of the Army and the;" and the Senate agree to the same.

In line 9, page 1, section 2 of the Senate bill, after the word "duties," insert the words "and of;" and the Senate agree to the same.

In line 10, page 1, section 2 of the Senate bill, after the word "including," insert the words "telegraph and;" and the Senate agree to the same.

In line 10, page 1, section 2 of the Senate bill, strike out the word "absolutely" and insert in lieu thereof the word "the;" and the Senate agree to the same.

In line 11, page 1, section 2 of the Senate bill, after the word "ranges," insert the words "and other military uses;" and the Senate agree to the same.

In line 13, page 1, section 2 of the Senate bill, after the word "collecting," strike out the word "information;" and the Senate agree to the same.

In line 13, page 1, section 2 of the Senate bill, after the word "transmitting," strike out the word "it," and insert in lieu thereof the word "information;" and the Senate agree to the same.

In line 14, page 1, section 2 of the Senate bill, after the word "otherwise," strike out the words "which duty" and insert in lieu thereof the words "and all other duties usually pertaining to military signaling; and the operations of said corps;" and the Senate agree to the same.

In line 27, page 1, section 3 of the Senate bill, after the word "established," insert the words "and record;" and the Senate agree to the same.

In line 3, page 2, section 4 of the Senate bill, after the word "Chief," insert the words "of Weather Bureau;" and the Senate agree to the same.

In line 11, page 2, section 4 of the Senate bill, after the words "expert in the," strike out the words "preparation of weather forecasts, may temporarily, pending the training of a sufficient number of civilian experts for forecasting," and insert in lieu thereof the words "duties of the Weather Service may;" and the Senate agree to the same.

In line 16, page 2, section 5 of the Senate bill, after the words "shall be," insert the word "honorably;" and the Senate agree to the same.

In line 20, page 2, section 5 of the Senate bill, after the word "shall," insert the words "if they so elect;" and the Senate agree to the same.

In line 21, page 2, section 5 of the Senate bill, after the words "continue as," insert the words "it shall be in the Signal Service;" and the Senate agree to the same.

In line 23, page 2, section 5 of the Senate bill, after the word "observers," strike out the word "now;" and the Senate agree to the same.

In line 24, page 2, section 5 of the Senate bill, after the word "service," insert the words "at said date;" and the Senate agree to the same.

In line 4, page 3, section 6 of the Senate bill, after the word "performed," insert the words "long and;" and the Senate agree to the same.

In line 5, page 3, section 6 of the Senate bill, after the word "board," strike out the words "of officers;" and the Senate agree to the same.

In line 6, page 3, section 6 of the Senate bill, after the word "war," strike out the word "has" and insert in lieu thereof the words "shall have;" and the Senate agree to the same.

In line 19, page 3, section 7 of the Senate bill, after the words "which are," insert the word "hereby;" and the Senate agree to the same.

In line 20, page 3, section 7 of the Senate bill, after the words "as to," insert the words "be applicable to and to;" and the Senate agree to the same.

In line 21, page 3, section 7 of the Senate bill, after the words "corps in," strike out the word "such" and insert in lieu thereof the words "the same;" and the Senate agree to the same.

In line 21, page 3, section 7 of the Senate bill, after the words "manner as," strike out the words "now applies" and insert in lieu thereof "they now apply;" and the Senate agree to the same.

In line 25, page 3, section 7 of the Senate bill, after the word "examination," strike out the words "by and approval of" and insert in lieu thereof the words "and recommendation by;" and the Senate agree to the same.

In line 28, page 3, section 7 of the Senate bill, after the word "corps," insert the words "to be;" and the Senate agree to the same.

In line 30, page 3, section 8 of the Senate bill, after the word "made," insert the words "in the Signal Corps;" and the Senate agree to the same.

In line 16, page 4, section 9 of the Senate bill, after the words "shall be," insert the word "hereafter;" and the Senate agree to the same.

In line 19, page 4, section 10 of the Senate bill, after the word "officials," strike out the word "said" and insert in lieu thereof the word "which;" and the Senate agree to the same.

In line 21, page 4, section 10 of the Senate bill, after the word "moneys," insert the words "pertaining to and;" and the Senate agree to the same.

In line 21, page 4, section 10 of the Senate bill, after the word "and," strike out the words "it shall" and insert in lieu thereof the words "said board shall as soon as practicable;" and the Senate agree to the same.

In line 23, page 4, section 10 of the Senate bill, after the word "property," insert the word "more;" and the Senate agree to the same.

In line 24, page 4, section 10 of the Senate bill, after the word "and," insert the words "not necessary;" and the Senate agree to the same.

In line 25, page 4, section 10 of the Senate bill, after the word "corps," strike out the words "of the Army, and" and insert in lieu thereof the words "person as" and insert in lieu thereof the words "bureau, and to the custody of;" and the Senate agree to the same.

In line 26, page 4, section 10 of the Senate bill, after the word "moneys," strike out the word "pertaining" and insert in lieu thereof the word "which shall be decided to properly pertain;" and the Senate agree to the same.

In line 28, page 4, section 10 of the Senate bill, strike out the words "person as" and insert in lieu thereof the words "bureau, and to the custody of;" and the Senate agree to the same.

In line 28, page 4, section 10 of the Senate bill, after the word "Agriculture," strike out the words "may direct;" and the Senate agree to the same.

WM. B. BATE,
JOS. R. HAWLEY,
C. K. DAVIS,
Managers on the part of the Senate.

B. M. CUTCHEON,
FRANCIS W. ROCKWELL,
JOS. WHEELER,
Managers on the part of the House.

The VICE-PRESIDENT. The question is on concurring in the report of the conference committee.

The report was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. Res. 104) to permit the Secretary of War to grant a revocable license to use a pier as petitioned by vessel-owners of Chicago, Ill.

The message also announced that the House had passed the bill (S. 3521) for the relief of Timothy Hennessy.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 7552) to relinquish the interest of the United States in certain lands to the city and county of San Francisco and its grantees;

A bill (H. R. 11766) to correct the military record of Marcellus Pettitt; and

A bill (H. R. 12123) granting a pension to Sophia Wenzel.

UNITED STATES PIER AT CHICAGO, ILL.

Mr. CULLOM. I ask leave to call up a conference report.

Mr. ALDRICH. I shall have to object.

Mr. CULLOM. It will take but a moment.

Mr. ALDRICH. I allowed the report of the Senator from Tennessee [Mr. BATE] to come in on the statement that it would take but a moment.

Mr. CULLOM. I desire to go away, and this report will take but a moment. There will be no discussion about it at all.

Mr. ALDRICH. Very well.

Mr. CULLOM. I present the conference report which I send to the desk and ask to have read.

The VICE-PRESIDENT. The report will be read.

The Secretary read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. Res. 104) to permit the Secretary of War to grant a revocable license to use a pier as petitioned by vessel-owners of Chicago, Ill., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 1 to the resolution of the House, and agree to the text of the same with the following amendments:

Line 3, after the word "of," strike out the words "said pier," and insert in lieu thereof the words "the United States pier at Chicago, Ill., situated north and east of the Illinois Central Railroad Company's wharf No. 1, and on south side of Chicago River."

Line 8, after the word "railroad," strike out the word "car" and insert in place thereof the word "company's."

And the House agree to the same.

That the House recede from its disagreement to the amendment of the Senate striking out the preamble of said resolution and agree to the same.

S. M. CULLOM,
J. N. DOLPH,
M. W. RANSOM,
Managers on the part of the Senate.

WM. E. MASON,
J. H. SWEN Y,
FELIX CAMPBELL,
Managers on the part of the House.

The VICE-PRESIDENT. The question is on concurring in the report of the committee of conference.

The report was concurred in.

PAY AND MILEAGE OF MEMBERS AND DELEGATES.

Mr. MORGAN. This morning I entered a motion to reconsider the vote by which the Senate passed the bill (H. R. 12163) making an ap-

proportion to supply a deficiency in the appropriation for compensation of Members of the House of Representatives and Delegates from Territories. I ask leave now to withdraw that motion.

The PRESIDING OFFICER (Mr. BLACKBURN in the chair). Without objection, the request of the Senator from Alabama will be granted. The Chair hears no objection, and the motion to reconsider is withdrawn.

REPORTS OF COMMITTEES.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

- A bill (H. R. 8124) granting a pension to George Everts;
- A bill (H. R. 12012) granting a pension to Hannah B. Shepherd; and
- A bill (H. R. 9767) granting an increase of pension to John S. Ferguson.

HOUSE BILLS REFERRED.

The bill (H. R. 7552) to relinquish the interest of the United States in certain lands to the city and county of San Francisco and its grantees was read twice by its title, and referred to the Committee on Public Lands.

The bill (H. R. 11766) to correct the military record of Marcellus Pettitt was read twice by its title, and referred to the Committee on Military Affairs.

The bill (H. R. 12123) granting a pension to Sophia Wenzel was read twice by its title, and referred to the Committee on Pensions.

LAND SURVEYS.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives non-concurring in the amendments of the Senate to the bill (H. R. 10639) to amend section 2, act of May 30, 1862, and asking for a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. PLUMB. I move that the Senate insist upon its amendments to the bill and accede to the request of the House for a conference thereon.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. WALTHALL, Mr. PLUMB, and Mr. DOLPH were appointed.

MICHAEL M'GARVEY.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 3196) granting an increase of pension to Michael McGarvey; which was to strike out "the same rate allowed for loss of both eyes" and insert in lieu thereof the words "forty dollars per month."

Mr. DAVIS. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

RIGHT OF WAY ACROSS RED LAKE RESERVATION.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 3314) granting right of way to the Red Lake and Western Railway and Navigation Company across Red Lake reservation, in Minnesota, and granting said company the right to take lands for terminal railroad and warehouse purposes; which was to strike out "three hundred and twenty" and insert "one hundred and sixty."

Mr. DAVIS. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

JOHN M. DUNN.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 4370) granting a pension to John M. Dunn, which was, in line 6, after the word "of," where it first occurs, to strike out "seventy-two" and insert "fifty."

Mr. DAVIS. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

CLASSIFICATION OF VESSELS.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 540) to amend sections 1529, 1530, and 1531 of the Revised Statutes of the United States relating to the Navy; which were referred to the Committee on Naval Affairs.

MARTHA N. HUDSON.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 4481) granting a pension to Martha N. Hudson; which was, in line 3, after the word "laws," to insert "at the rate of \$8 per month."

Mr. DAVIS. I move that the Senate concur in the amendment of the House of Representatives.

Mr. CHANDLER. If the Senator will allow me, I move that the Senate non-concur in the amendment and ask for a committee of conference.

Mr. DAVIS. I withdraw my motion, and accept the motion of the Senator from New Hampshire.

The VICE-PRESIDENT. The question is on the motion of the Senator from New Hampshire that the Senate non-concur in the amendment of the House of Representatives and ask for a conference on the disagreeing votes.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. DAVIS, Mr. BLAIR, and Mr. BLODGETT were appointed.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President:

- A bill (S. 125) for the relief of Reaney, Son & Archbold;
- A bill (S. 270) for the relief of the assignees of John Roach, deceased;
- A bill (S. 728) in recognition of the merits and services of Chief Engineer George Wallace Melville, United States Navy, and of the other officers and men of the Jeannette Arctic expedition;
- A bill (S. 968) for the relief of Amos L. Allen, survivor of the firm of Larrabee & Allen;
- A bill (S. 1857) for the relief of Charles P. Chouteau, survivor of Chouteau, Harrison and Valle;
- A bill (S. 2212) relative to the Rancho Punta de la Laguna;
- A bill (S. 2916) to remit the penalties on gunboat No. 2, known as the Petrel;
- A bill (S. 3269) for the relief of the administratrix of the estate of George W. Lawrence;
- A bill (S. 3532) granting a pension to Georgiana W. Vogdes;
- A bill (S. 3716) to provide for the examination of certain officers of the Army and to regulate promotions therein;
- A bill (S. 3952) to authorize the construction of a bridge across the Alabama River at or near Selma, Ala., by the Selma and Cahawba Valley Railroad Company;
- A bill (S. 4021) to authorize the commissioners of the District of Columbia to annul and cancel the subdivision of part of square 112, known as Cooke Park;
- A bill (S. 4031) to provide for the incorporation of trust, loan, mortgage, and certain other corporations within the District of Columbia;
- A bill (S. 4221) to confirm certain sales of the Kansas trust and diminished reserve lands in the State of Kansas;
- A bill (S. 4354) to refer to the Court of Claims certain claims of the Shawnee and Delaware Indians and the freedmen of the Cherokee Nation, and for other purposes;
- A bill (S. 4395) to authorize the construction of a bridge across the Missouri River at some accessible point in Boone County, in the State of Missouri;
- A bill (S. 4396) authorizing the construction of a bridge across the Osage River at some accessible point in the county of Benton, in the State of Missouri;
- A bill (S. 4398) giving, upon conditions and limitations therein contained, the assent of the United States to certain leases of rights to mine coal in the Choctaw Nation;
- A bill (S. 4403) to provide an American register for the steamer Joseph Oteri, Jr., of New Orleans, La.;
- A bill (S. 4405) to authorize the construction of a bridge across the Missouri River at the most accessible point within 1 mile above or below the town of Quindaro, in the county of Wyandotte and State of Kansas;
- A bill (S. 4309) granting the right of way to the Sherman and Northwestern Railway Company through the Indian Territory, and for other purposes;
- A bill (H. R. 11459) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1890, and for prior years, and for other purposes; and
- Joint resolution (S. R. 125) to extend the time of payment to settlers on the public lands in certain cases.

FREE-DELIVERY SERVICE.

The joint resolution (H. Res. 218) to allow the Postmaster-General to expend \$10,000 to test at small towns and villages the system of the free-delivery service, and for other purposes, was read twice by its title.

Mr. SAWYER. I ask that that joint resolution be put on its passage. The Committee on Post-Offices and Post-Roads have had a similar joint resolution under consideration and authorized me to report it.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution? The Chair hears none.

Mr. SAWYER. It takes no money to try the experiment.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L.

PRUDEN, one of his secretaries, announced that the President had this day approved and signed the following acts and joint resolutions:

An act (S. 179) granting a pension to Ellen Courtney;
An act (S. 577) granting a pension to Laura J. Ives;
An act (S. 636) granting a pension to Mary E. Williams;
An act (S. 1971) for the relief of William Clawson;
An act (S. 4074) to provide an American register for the bark Campanero, of Baltimore, Md.;
An act (S. 3852) to authorize the Eagle Pass Water Supply Company and the Compañía Proveedora de Aguas de Ciudad Porfirio Diaz to connect their water-works communications across the Rio Grande River at Eagle Pass, Tex.;

An act (S. 3996) to repeal sections 3952 and 3953 of Revised Statutes of the United States;

Joint resolution (S. R. 95) to surrender certain bonds, drafts, and other papers in the Department of State to Robert S. Hargous, administrator of Louis S. Hargous, deceased; and

Joint resolution (S. 123) to enable the commission having charge of the preparation and erection of the statue, with suitable emblematic devices thereon, on one of the public reservations in the city of Washington, to the memory of General Lafayette and his compatriots, to execute the purpose expressed in the concurrent resolution adopted by the two Houses of Congress on the 28th day of August, 1890.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a letter from the Secretary of the Interior, transmitting, in response to a Senate resolution of September 29, 1890, the last report of the Government directors of the Union Pacific Railroad Company; which was referred to the Select Committee on Pacific Railroads, and ordered to be printed.

He also laid before the Senate a letter from the Postmaster-General, in response to a Senate resolution of September 20, 1890, relating to alleged records of the Confederate government valuable in connection with certain mail contractors' claims; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 7354) to repeal timber-culture laws, and for other purposes, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. PAYSON, Mr. PICKLER, and Mr. HOLMAN managers at the conference on the part of the House.

The message also announced that the House had passed the following bills:

A bill (S. 1659) establishing a customs collection district to consist of the States of North Dakota and South Dakota, and for other purposes; and

A bill (S. 2938) concerning the jurisdiction of courts of the United States.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 2617) for the relief of Henry Clay and others, owners and crew of the whaling schooner Franklin, of New Bedford, Mass.;

A bill (H. R. 3449) for the relief of James M. Lowry;

A bill (H. R. 6584) for the relief of certain enlisted men of the Ordnance Corps, United States Army, in the matter of claims for bounties;

A bill (H. R. 6975) to provide for an additional associate justice of the supreme court of Arizona;

A bill (H. R. 7641) for the relief of Daniel C. Trewitt, of Chattanooga, Tenn.;

A bill (H. R. 9852) to authorize the Lake Charles Road and Bridge Company, of Lake Charles, La., to construct and maintain bridges across English Bayou and Calcasieu River;

A bill (H. R. 11527) to amend chapter 1085 of the acts of the first session of the Fiftieth Congress; and

A bill (H. R. 12187) to set apart certain tracts of land in the State of California as forest reservations.

THE REVENUE BILL.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives; which was read:

Resolved by the House of Representatives (the Senate concurring), That the Clerk of the House be, and he is hereby, directed to number consecutively the paragraphs and sections of House bill 9416, to reduce the revenue and equalize duties on imports, and for other purposes, in the enrollment of the bill.

The Senate, by unanimous consent, proceed to consider the resolution.

Mr. ALDRICH. From the conferees on the part of the Senate I offer an amendment to the concurrent resolution, which I send to the desk.

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. Add at the end of the resolution:

And he is hereby further directed to enroll paragraphs 362 and 372, as follows: "362. Cables, cordage, and twine (except binding-twine composed in whole or in part of jute or Tampico fiber, manilla, sisal-grass, or sunn) 1½ cents per pound; all binding-twine manufactured in whole or in part of jute or Tampico fiber,

manilla, sisal-grass, or sunn, seven-tenths of 1 cent per pound; cables and cordage made of hemp, 2½ cents per pound; tarred cables and cordage, 3 cents per pound.

"372. Collars and cuffs, composed entirely of cotton, 15 cents per dozen pieces and 35 per cent. ad valorem; composed in whole or in part of linen, 30 cents per dozen pieces and 40 per cent. ad valorem; shirts, and all articles of wearing apparel of every description, not specially provided for in this act, composed wholly or in part of linen, 55 per cent. ad valorem."

Mr. PLUMB. I should just like to inquire of the Senator from Rhode Island if he will accept some other amendments to the bill through the medium of this concurrent resolution. There are a number of amendments which occur to me that I think ought to be made, even at this late stage.

Mr. ALDRICH. These amendments incorporate the action of the conference committee. It was erroneously engrossed by the clerks of the two committees.

Mr. PLUMB. We have had this bill twice printed, I think, for the use of the Senate, and I supposed had finally got it in the shape in which it was desired to pass it. I do not know what veil there may be under which things may fall. Of course I presume it is all right, but I suggest that it is a very awkward way of doing business, and rather more convenient than it is safe.

Mr. CARLISLE. While I do not agree that the increases made by these paragraphs over the rates established by the bill as it passed the Senate ought to be made, yet it is a fact that they were agreed upon in the conference committee, and they have been omitted by mistake from the report. Therefore I suppose the resolution is a proper one, to make the report conform to the actual fact.

Mr. ALDRICH. So far as the first paragraph is concerned it is not an increase.

Mr. CARLISLE. But there are increases. I allude only to those parts which are increases.

Mr. INGALLS. It would be interesting to know whether now at last, on the very heels of final adjournment, this bill and the report of the conference committee have been so far examined that we know that these are all the errors which need to be corrected. It is certainly an extraordinary process that in a bill of this magnitude, involving such questions and to endure for so long a period of time, we should be called upon to vote for a concurrent resolution to direct an enrolling clerk to insert certain amendments in the frame-work of the bill.

I think before we agree to this resolution we had better have some assurance from the conferees that the bill has been gone over paragraph by paragraph and punctuation point by punctuation point, so that the assurance may be definite that there is nothing more to be done, and if this has not been already arranged we had better leave this open as a kind of basket clause to take in what other errors may be subsequently discovered.

Mr. PLUMB. It is somewhat extraordinary if in connection with the substance of this amendment it is found in fact that the conference committee have increased the duties on one certain thing at all events beyond that contemplated or made by the action of either House. It seems to me that that is stretching the parliamentary authority of the conference committee beyond reason or authority. The two Houses seem to have agreed on 50 per cent. as the proper duty on shirts and articles of wearing apparel composed wholly or in part of linen, and the conference committee very accommodately put it up to 55 per cent.

Mr. ALDRICH. I ought to say in answer to the suggestion made by the senior Senator from Kansas [Mr. INGALLS] that the bill has been gone through carefully and thoroughly, I think, and these are the only errors which have been discovered, and I presume they are all that will be discovered. The effect of the amendments is simply to make the bill in accordance with the conference committee's action.

Mr. HARRIS. I desire to make an inquiry in regard to the resolution. Is action asked upon the resolution?

The VICE-PRESIDENT. Upon the amendment first. The question is first on the amendment offered by the Senator from Rhode Island.

Mr. HARRIS. The resolution, as I understand it, is proposed to correct the enrollment of the bill. There are two or three bills lying upon the table of the President in respect to which similar resolutions have been offered, which have been objected to and are lying there, I am not sure that this is not the proper method of correcting an error. I have favored it in respect to other bills, but it has been objected to. I am not quite willing to have this or any other bill corrected in its enrollment by a concurrent resolution unless the same rule is applied to the various bills in respect to which such resolutions are pending. Let the resolution lie over for the present. We can consider it later.

The VICE-PRESIDENT. Objection being made, the resolution will go over.

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9416) to reduce the revenue and equalize duties on imports, and for other purposes.

Mr. GRAY. Mr. President, I had intended to submit to the Senate to-day some remarks in regard to the reciprocity feature that has been attached to this bill as it is now before the Senate and comes to us from the conference committee. The Senator from Kentucky [Mr. CARLISLE], in the able and exhaustive speech which he has made, has so

entirely covered the ground of criticism that I am not disposed to detain the Senate by any remarks of my own.

I should have been glad, sir, if there had been more opportunity for the discussion of this most important report on this most important and serious measure of taxation, if there had been greater opportunity for Senators on this side and Senators upon that to have found out from those who have reported this bill back to the Senate from the conference what were the reasons that constrained them at last to dissent from the very moderate amendments and the very slight modifications that were made by the Senate to the bill as it came from the House.

But it appears that we are to be denied that opportunity. The fiat has gone forth that this bill is to be passed. It is to be hurried to the final act that is to make it a law. Whether it be that its friends upon that side have discovered signs of disintegration in the party that nominally support it is not for me to now question, but it is with unseemly haste being rushed through the Senate without just opportunity for criticism and examination.

The Senator from Iowa [Mr. ALLISON] took occasion to criticize the position taken by the Senator from Kentucky [Mr. CARLISLE] in his most able and searching examination of the reciprocity feature of this bill, this addendum that has been made in the Senate, this flag of truce, as the Senator from Alabama [Mr. MORGAN] called it, that is to head the marching column of home-market adherents as they come before the people. He seemed to think that because the Senator from Kentucky contended that a subsidy that was to be given to a particular class in this country, a subvention out of the pockets of the people, out of the Treasury of the United States to certain favored individuals, was not within the power of Congress, then his argument ought to have gone farther and to have extended to a denial of the power of Congress indirectly to aid a class or an industry or an interest by tariff taxation.

Mr. President, there would be much to say upon that topic if this were the time and if this were the opportunity to discuss the power of indirect taxation, but the position taken by the Senator from Kentucky nevertheless stands, and has not been directly attacked by the Senator from Iowa. It is incapable in my opinion of being successfully attacked by any one or in any quarter, and this must remain as a sheer, bald assumption of usurpation of power on the part of Congress to take from the common Treasury of all the people these millions of dollars to place in the pockets of those who shall manufacture sugar in Louisiana or elsewhere within the borders of the United States.

The Senator from Iowa seemed to think that there could be no distinction drawn between the broad grounds for a tax for a public purpose and those which support a tax levied for private purposes and concern individual and special interests.

But, Mr. President, I only rose to say a very few words on one or two features of this report. We have just had our proceedings interrupted by a resolution to correct errors in the enrolling of the bill, and it is gratifying to know that in the accelerated speed with which this measure is being put through its preliminary stages this dropped stitch has been discovered, and somebody who had a cheap shirt on his back has been hauled up and told he will not get off by any omission on the part of the conferees.

We have discovered that we have allowed, owing to the speed with which it is necessary to go through with this matter, this important article of clothing to escape that tax which in all propriety you have put upon such articles, and therefore this man with a cheap shirt on his back is not going to get off scot free, as he thought he might do, by the omission and carelessness of the committee. Well, I do not know whether there may be any other omissions or not.

But, Mr. President, I was calling attention to this matter of the subsidy, which the Senator from Iowa seems to think is not amenable to the criticisms of the Senator from Kentucky, and that a subsidy is not only a proper and legitimate exercise of the legislative power, but that in itself it is to be commended; that there is no obstruction to be found in the grants of legislative power to Congress to the passage of this or any other subsidy that the Congress of the United States may in its wisdom believe to be for the general good and the public welfare.

I will stop long enough to call the attention of the Senator from Iowa to the fact that there are broad distinctions necessarily lying at the basis of all legislation of this kind between a public object and a private object to which the money of the people can be appropriated. A subsidy that is to encourage one industry at the expense of others, that is to bestow a special favor upon a class or upon individuals that is not conferred upon all classes and upon all individuals, is obnoxious to every principle that lies at the basis of the institutions of this country.

The Senator from Iowa seemed to think that a subsidy, a bounty, because it has obtained at certain times in our history, and been given upon certain public grounds, may at all times lawfully obtain and be given indiscriminately whenever the Congress of the United States shall think it is proper that it should be bestowed.

But, Mr. President, I only want to call the attention of the Senator from Iowa to the extreme result to which he is led by that logic. If this subsidy to the sugar manufacturers of this country, in Louisiana,

or in Kansas, or Nebraska, is legitimate and within the scope of our legislative power, then a subsidy to any other industry is likewise legitimate. There is no obstacle between the demand for such a subsidy on the part of any manufacturer and its reception except the will of Congress. If this is legitimate, then Congress may bestow upon a still larger class, and if worth is to be estimated by the extent of the class upon a worthier class, upon the growers of wheat and corn, upon the farmers of the country, a bounty or a subsidy out of the pockets of the people in order to encourage their very depressed industry. There is no limit that can be placed by the argument of the Senator from Iowa to the exercise of this power.

Then, Mr. President, we would be coming directly to that state of things towards which many steps have been taken in this bill, a state socialism, in which the Government is to become a partner in all industries, and in which the Government is to be called upon to aid and encourage, as it is called, any industry that is unprofitable by a bounty or by a tax. It matters not in principle whether this is done directly or indirectly. To this result must the logic of the Senator from Iowa bring us if we are to pursue his argument as a sound one.

Mr. President, I only rise more particularly before this debate closes to place in the RECORD a table which I have, that has been prepared very carefully by a very competent man, in regard to the labor-cost of one of the most important articles contained in this scheme of tariff taxation. I mean the labor-cost in the production of steel rails, about which in the course of the debate during the last two months a good deal has been said on both sides of this Chamber. There has been no argument made justifying the tariff tax that has been laid upon steel rails or upon any other of the numerous commodities that are the subject of this bill except that it was meant to equalize the conditions of the manufacturers in this country and abroad, in order that the manufacturer in this country might compete upon fairly equal terms. It has been called to the attention of the Senate more than once that if that were the only excuse for this taxation it was necessary to get at the exact difference in the labor-cost for the production of these articles in this country and in Europe.

I am fortunate in having had at this late day worked out, as I said, by a very competent statistician, a statement of the cost of labor in the production of 1 ton of steel rails in the United States, the continent of Europe, and Great Britain, compiled from the preliminary report of the Commissioner of Labor as contained in House of Representatives Miscellaneous Document No. 222, as compared with the report of Senate Miscellaneous Document No. 198.

By this table, which I shall ask leave to print in full in the RECORD, it appears what is the labor-cost in the production of 1 ton of steel rails in the United States, taking all the elements of cost, commencing with the production of the iron ore from the mines, 4,137 pounds of iron ore necessary to the production of a ton of steel rails; the labor-cost of the production of 1,497 pounds of limestone, necessary in fluxing that much ore; the labor-cost of the production of 4,898 pounds of bituminous coal, which is necessary, according to the tables that we have before us, for the reduction of that much iron ore, for the conversion of that much coal into 3,082 pounds of coke; the labor-cost for the conversion of the ore, of the limestone, and the coke into 2,469 pounds of pig-iron, and the labor-cost and fuel for the conversion of the pig-iron into 2,488 pounds of steel ingots; and finally, the labor-cost for the conversion of the steel ingots into 1 ton of steel rails. All the steps are taken into the account, so that this progression of labor-cost, which the Senator from Vermont [Mr. EDMUNDS] has been so fond of referring to as being the only proper and accurate way of getting at the labor-cost of an article, is carried out, and we have as the result in the United States, according to Mr. Carroll D. Wright and according to these documents that have been presented to the Senate and are now before them, \$11.5983 as the labor-cost in the United States for the production of 1 ton of steel rails.

From nine establishments on the continent of Europe and in Great Britain we have also a calculation of the labor-cost, taken from these same documents. The average of all the nine establishments on the Continent and in Great Britain for the production of a ton of steel rails calculated in the same manner, commencing with the production of the iron ore and ending with 2,240 pounds of the finished product of steel rails, is \$11.40 and fifty-five one-hundredths, making a difference of only 19 cents between the labor-cost of a ton of steel rails in the United States and the average labor-cost computed upon the product of these nine establishments in Great Britain and on the continent of Europe of a product of like amount.

Therefore we have, to condense what I have just said, this remarkable statement, that according to the Commissioner of Labor, Mr. Carroll D. Wright, labor receives in the United States \$11.59 to produce a ton of steel rails, and according to the same report of this same Commissioner the average cost of production for labor in nine mills in Europe, including the Continent and Great Britain, is \$11.40 per ton. Hence in the United States the cost of labor is \$11.59 and in nine mills on the Continent and in Great Britain it is \$11.40. The difference in favor of the foreign-produced article, 1 ton of steel rails, is only 19 cents.

And yet to cover that difference we have now a tax in the House bill

of \$11.20, and in the Senate reduced by an amendment to this bill to \$11.76, but raised by this committee of conference back to the House rate of \$13.44.

Mr. President, this is only one of the very many exposures of what the Senator from Kentucky properly called the false pretenses that are

contained in this bill. It is not to cover the difference in labor-cost; it is not in order to protect the laborer in the mills and in the mines that these rates are imposed. There is another and a different object which is patent to every one who reads these schedules. I submit the table, which is as follows:

Comparative statement of the cost of labor in the production of one ton of steel rails in the United States, the continent of Europe, and Great Britain.

[Compiled from the preliminary report of the Commissioner of Labor, House Miscellaneous Document No. 222, and compared with the report Senate Miscellaneous Document No. 198. Compiled by Ivan C. Michels, from House Miscellaneous Document No. 222, pages 29, 30, 33, 35, 41, 46, 47, 50, 59, and 60.]

Materials and successive stages of conversion.	United States.	Continent of Europe.							Great Britain.		General average of Europe of nine mills.
		No. 3.*	No. 4.*	No. 5.*	No. 6.*	No. 7.*	No. 8.*	No. 9.*	No. 10.*	No. 11.*	
For production of 4,137 pounds of iron ore.....	\$2.1423	\$2.6352	\$4.0087	\$2.6476	\$3.3385	\$2.9765	\$0.9204	\$1.6548	\$1.1811	\$2.5028	\$2.4295
For production of 1,497 pounds of limestone.....	.2451	.2904	.2904	.2904	.2904	.2904	.2904	.2904	.2904	.2904	.2904
For production of 4,898 pounds of bituminous coal.....	1.9723	1.4952	2.1010	2.5145	2.1924	2.3355	.6779	1.6539	1.6731	1.6299	1.8082
For conversion of above coal into 3,082 pounds of coke.....	.5983	.6996	.4299	.4222	.2773	.2141	.3062	.3729	.5886	.6501	.4292
For conversion of above ore, limestone, and coke into 2,169 pounds of pig-iron.....	1.5763	.9457	.9456	1.2079	.7960	.7986	.9841	.9227	.9004	.9004	.9335
For conversion of above pig-iron into 2,488 pounds of steel ingots.....	1.6894	1.2141	.5473	1.0623	1.2589	1.2300	1.2912	.8459	1.9779	2.1148	1.2858
For fuel (1.11 tons bituminous coal) for conversion of above pig-iron into 2,488 pounds of steel ingots.....	.9124	.6904	.9701	1.1610	1.0123	1.0878	.3130	.8769	.7725	.7625	.8485
For conversion of above steel ingots into one ton (2,240 pounds) of steel rails.....	1.5400	1.0430	2.5190	4.6410	2.5830	2.6890	2.9740	2.0100	2.5480	1.3680	2.4860
For (1.17 tons) bituminous coal for conversion of above steel ingots into 1 ton of 2,240 pounds of steel rails.....	.9617	.7277	1.0225	1.2238	1.0670	1.1466	.3299	.9243	.8143	.7932	.9844
Total.....	11.5983	9.7413	12.8445	15.1707	12.8158	12.7985	8.0891	9.5518	10.7463	10.9021	11.4055
Total cost of 1 ton of steel rails, including material, labor, salaries of officials and clerks, fuel, supplies, repairs, and well as taxes.....	25.777	19.576	22.184	25.632	23.121	23.190	23.743	27.025	21.907	18.588	22.776

* Number of locality of steel-rail mills as per page 34 of the preliminary report of the Commissioner of Labor, House Miscellaneous Document No. 222.

† A clerical error in the report of the Acting Commissioner of Labor in Senate Miscellaneous Document No. 198, of transposition of figures, "2,460" should read "2,640," which have duly been taken note of in the compilation of the above comparative statement.

Let me say while I am on this subject, lest I may be thought to have omitted anything that is at all important to the problem, this gentleman having worked out the difference in the labor-cost of the common steel rails, commencing with the iron ore in the mine, also deals with the figures taken from the report of the Commissioner of Labor that concern the total cost of a ton of steel rails in this country and in Europe, including material, labor, salaries of officials and clerks, fuel, supplies, repairs, and taxes. In the United States the cost, including all these things, the taxes, the salaries of clerks and high-paid officials, presidents of companies, vice-presidents, and secretaries, and so on, is \$25.777, and in Europe the average of these nine mills on the continent and in Great Britain is \$22.776, making a difference altogether of \$3 in the labor-cost, including all these items, between Europe and this country.

Mr. President, is it not a monstrous injustice, is it not a shame and a reproach to this Senate, that they should sit here day after day with these facts ascertainable staring them in the face and yet gaining their own consent to place a burden like this upon the necks of the American people, a tax of \$13.44 to cover a mere labor-cost of 19 cents, and a cost, covering all possible charges, taxes, materials, salaries, and all, of only \$3 between the production of a ton of steel rails in Europe and in this country?

Mr. President, that same analysis might be pursued as to the other schedules in this bill, and in every case you would find that the tax, instead of being made to fit the difference in labor-cost in this country and abroad, would multiply that difference many fold; and that in the face, so far as steel is concerned, of the evidence that has been quoted here more than once of Major Bent, who is the president, I believe, or manager, of one of the largest steel works in the United States, that if you gave him free material he wanted no protective tax at all and could compete with the steel-rail makers of the whole world upon equal terms.

I am not about to detain the Senate any longer. My principal object was to place upon the record this latest analysis that I have seen of the labor-cost of one of the most important articles contained in the schedules of the bill before us. I know that I can not by detaining the Senate delay the passage of this bill, and I must submit, as the rest of the citizens of the United States are compelled to submit, to the imposition of the burdens that are contained in it, and only hope for that relief which may come in the revolving years, from a change of sentiment in Congress, brought about by an indignant expression of popular opinion.

There are many other things in regard to the features of this bill that deserve comment and to which the attention of the people should be called. There is no opportunity now to do it.

The general adoption of specific duties in this bill is one of its most iniquitous features, adopted in the interest professedly of a better administration of the customs of our country, but really intended to increase the rate of taxation, by the device of a hard and fast duty upon a commodity to head off and meet that cheapening process which is going on all over the world in its great industries and in the commodities that are the products of those industries. So that when you

lay a specific tax of so many cents or so many dollars per pound or per ton, you may laugh at the cheaper product that time and invention and skill evolve, for you meet the cheapening process by the specific tax. This specific duty, amounting now to 50 or 60 per cent. ad valorem, in the process of time and by the cheapening of these commodities mounts as they lower in the scale and becomes 70 or 100 or even more per cent., as some of these taxes have become where they have been laid for long periods of time.

It is one of the devices of those classes and of those interests for whom this tariff tax has been so enormously increased. They seek to obscure from the people an idea of the true enormity of the measure of this taxation and veil from them the burdens that they are bearing by this laying of a specific tax instead of the ad valorem tax, which always speaks for itself and explains what proportion of the value of an article goes in the way of tax either to the public Treasury or to the coffers of the protected manufacturers.

But, Mr. President, I shall not detain the Senate longer upon this subject, and only trust that the people of this country will be able to bear with such equanimity as may come to them this increased tax burden, and will in due time understand the selfishness of the measure and of the men who are promoting it.

Mr. HIGGINS. Mr. President, at an earlier stage of this debate, the exact date I have not before me now, the Senator from Missouri, who is not now in his seat [Mr. VEST], had printed in the RECORD, in the course of some remarks that he submitted upon the pending bill, an editorial from the New York Evening Post, of the 17th of April, I think, reflecting very severely upon the course of Mr. Joseph Wharton, of Philadelphia, in respect of his position concerning the duties upon nickel, it being the fact that Mr. Wharton is the principal manufacturer of that product in this country.

I regret to say this in the absence of the Senator from Missouri, but I have his assurance that were he present he would himself put upon the record what I am now asking leave to do in reading the retraction that was made at a subsequent date by the editor of that journal upon a letter from Mr. Wharton concerning the editorial in question and which he also printed in his paper. I will not make any further reference to Mr. Wharton's letter, which is quite long, but beg to read what the editor of the Post said concerning the matter. He said:

We frankly apologize to Mr. Wharton for the misrepresentations into which we have been led concerning his attitude towards the duty on nickel ore and concerning his mining industry. If we return to the subject of his letter it will not be for the sake of excusing ourselves in these particulars.

It was only just to the gentleman, who could not have an opportunity to correct this statement which had been put upon the record, that this correction should be put upon the record.

Mr. STEWART. Mr. President, I do not rise to discuss this bill further than to remark that it is the result of the best deliberations that the two Houses could bestow upon the measure. There are things in the bill which I wish were otherwise. It does not come up in all respects to my standard of protection. I would not force any American citizen to work in competition with the pauper labor of other lands.

I would so place the tariff that we should only be compelled to compete with others living in this country and enjoying the same advantages.

Against the constant declaration that the tariff is a tax upon the American people I desire to enter my protest. It is a tax upon those seeking our markets, not upon our people; and experience has shown that the only way to permanently cheapen prices is to do our work at home. If manufacturing is done abroad it will be done by trusts and monopolies. If done here in this country, where there is ample room for sharp competition among the American people, they will increase the amount of production and lower the prices throughout the country. There can be no doubt about that.

There has been so much said about foreign trade that I desire to call the attention of the Senate to the fact that a foreign market for farm products can not continue; that it will be but a few years when it will be impossible for us to enjoy any portion of the European market for any farm product except cotton, and it is very doubtful whether we shall enjoy that monopoly long. The history of the world for the last fifteen years has been entirely changed. New fields have been opened not hitherto explored. The market of Europe is a limited market. They only buy the deficiency to make up what is necessary for their consumption of farm products, and they are making efforts which are producing great results to supply that market independent of the United States.

For example, France at home has so improved the cultivation of wheat that her average yield, I am told, is 45 bushels to the acre. Other countries are taking other means to obtain a supply of that and other farm products. The Argentine Republic is being opened. It is as good a country as our own for the production of all the farm products that we can produce, and in equal abundance, and with less labor. They have grand rivers running up through that country, which give them water navigation to the interior, and they are populating it by the million with the people of southern Europe who work at low wages. Italians, Austrians, and Portuguese are emigrating to that country by the million, and their products are already enormous and are increasing yearly. We can not compete with them unless we get down to the grade of civilization and the grade of wages that they are willing to work for.

Africa is being explored and opened, and it is a virgin field for the production of the raw material, as it is called, although I claim that nothing is raw material upon which labor has been bestowed, but the materials that are least manufactured, upon which the least labor has been bestowed.

There are other fields being opened. India is traversed by new railroads, and over a thousand millions have been expended in twenty-five years in the construction of railroads and irrigation works for the purpose of developing the resources of India. Russia is also extending railroads over her vast domain.

The millions of poorly paid laborers of those countries are going to supply Europe, and it will be but a few years when there will be no market whatever for any of our farm products in Europe unless we produce on the level of the lowest paid labor in the world and against the virgin fields of these new continents that are being opened. The American people can not be reduced to that level. It is idle to talk of a foreign market for farm products. That we must give up. We must have some other market or no market at all. Cotton is in danger. They are attempting to raise cotton in India. They will find other places besides the Southern States where they can produce it.

The resources of Africa are not explored and not understood. It is said that portions of South America can produce cotton. The time may come when that means of export will also be cut off. Then what shall the United States export?

We must buy from foreign countries those articles that we can not produce at home. We will buy them at whatever cost. We will have our tea and coffee and sugar, if we do not produce them at home. I believe we can, however, in a short time produce sugar; but meanwhile we will have those articles at whatever cost. How are we to purchase them? Not by the so-called raw material, farm products, for the poor-paid labor of these new countries will drive us out of the foreign markets in that respect. Then how are we to do it?

I say that there is but one mode of obtaining it, and that is to compete with Europe in the higher grades of civilization and of labor and send our manufactured articles into those countries, as Europe does. We have all the advantages of Europe of having our raw material at home, and if we protect our manufacturers and aid our labor at home and bring the artisans of Europe here, and not their manufactured articles, and manufacture here, we shall have a market of our own amply sufficient to absorb all the farm products that can be produced.

The farmer is short-sighted who looks across the ocean when already our home market is 90 per cent. at least of our entire market for farm products, and the other 10 per cent. hangs as a dead weight upon the energies of the country, because the surplus that we sell abroad determines the price of what is sold at home.

If you want better prices, have more consumers at home and use up the surplus here, and then you will fix your own price; competition here will fix the price of farm products. We are fast making a mar-

ket at home. This bill will add to that market. This bill, if it is allowed to stand, will bring hundreds and thousands and millions of artisans into the field to consume, and every farmer will have near his home a market for the products that he can raise to support the manufacturers. If we do that and have large establishments, the skill and genius of our people will manufacture better and will be able to compete in any department of industry with any part of the world.

Then we want one thing more. We want cheap and quick communication with the world, so that we can send them our manufactured articles. With the product of the skill and genius of the American people let us buy what we need abroad and cease to attempt to compete with the servile labor of these new countries that are being opened for the express purpose of supplying Europe with farm products. I rejoice that there has been a step forward in this bill. Although it is not all we can desire, I shall vote for it with the highest pleasure.

Mr. COCKRELL. Mr. President, I merely want to read two telegrams that I have received in regard to this matter. One of them is dated Kansas City, Mo., September 24, 1890, and is as follows:

Free tin-plates are urgently needed by the West. The benefit that would result from them to the agricultural and other interests is incalculable. We respectfully ask you to use all your influence in favor of free tin-plate.

ARMOUR PACKING COMPANY.

The other I have just received to-day, dated St. Joseph, Mo., September 30, 1890, and is as follows:

We understand conference committee places duty on beans at 40 cents per bushel. The crop United States this year is a failure. Not more than quarter to one-third crop. This will necessitate the importation of large quantities beans from foreign countries, and advanced cost will have to be borne by Western people. If date on which duty takes effect could be extended it would be a great boon to the Western people, as their supply of this article must come from France and Germany and the short time given will not permit importation to this country for consumption until after the higher duty takes effect, which will be a hardship to consumers.

J. W. WALKER,
President Board of Trade.

Mr. ALDRICH. Mr. President, it is a subject of congratulation for the Senate and the country that the prolonged and wearisome discussion of the pending bill is at last to close. After a debate of such unusual length, extending to every paragraph and section of the bill, I do not deem it necessary to detain the Senate this evening beyond a brief examination of some of the criticisms made upon the conference report by Senators upon the other side of the Chamber.

A comparison of the elaborate provisions of the measure, which is soon to receive the official approval of Congress, with the terms of any tariff law which has heretofore been enacted, will illustrate the magnitude of the task we have had in hand, and will at the same time furnish striking evidence of our wonderful industrial growth and development. It has been found necessary to insert in this bill many provisions and to include many items not contained in any prior tariff act, items covering articles and industries which had no existence, even at the time of the adoption of the act of 1883.

This measure embodies the most complete and comprehensive revision and readjustment of tariff rates that has been attempted in the annals of our customs legislation. That it is complete and perfect in all of its details I think no member of the Finance Committee or of the Senate will claim. That it is entirely satisfactory in all of its provisions to every Senator or to any individual Senator I shall not claim. In its final form, as reported from the conference committee, it may be said to fairly represent the average judgment of the majority of Congress upon the interests of the whole people as well as upon the claims of sections and industries.

We have been challenged this morning by Senators upon the other side of the Chamber to present a justification for the many radical changes proposed, and to give to the country some statement of the principles which controlled the construction of the bill. As I was associated with the Senator from Iowa [Mr. ALLISON] and the Senator from New York [Mr. HISCOCK] in the preparation of the Senate tariff bill of 1888, which in most of its substantial features was identical with this, I may perhaps be permitted to speak upon this subject with some degree of authority.

It is proposed by this measure to reduce the revenues, to relieve the people from unnecessary taxation, to correct the errors and remedy the defects and inequalities of existing tariff laws, and to impose or readjust import duties to meet the requirements of new or changed conditions. The framers of the bill, while striving to accomplish these results, have endeavored to preserve and extend the beneficial influences of the protective system. In order to provide for the successful prosecution of established industries and to secure the development of new ones, they have sought to equalize, so far as legislation can do this, the conditions under which the various industries of the United States are carried on, in competition with similar industries in competing countries.

These unequal conditions arise largely, if not entirely, from the greater compensation and the greater earnings of all the people engaged in all the useful occupations in the United States. The greater sum paid here to labor in all its forms enforces upon the domestic manufacturer of many articles a greater cost of production than that within the reach of his foreign competitor. To maintain the much higher level of wages in the United States, and at the same time to secure the widest possi-

the diversification of our industries, it is necessary, in the view of those who believe in the wisdom of the protective policy, to levy duties which are equal to the difference between the cost of production and distribution in the United States and in competing countries. The Committee on Finance believe that in no case has a greater duty been imposed by the provisions of this bill than is necessary to secure this equalization. Certainly no such case has been brought to their attention in the course of this long debate.

I must confess my surprise that the distinguished Senator from Kentucky [Mr. CARLISLE] should have devoted almost his entire speech this morning to subjects which, however important and interesting they may be, are simply collateral to the great problems of this bill. The questions he discussed belong, it seems to me, to the ante-bellum period, or more accurately, to an epoch long anterior to that.

The right of Congress under the Constitution to levy protective duties and to authorize the payment of bounties for the encouragement of domestic industries has been exercised so frequently without serious question that the Committee on Finance did not suppose that the authority of the Federal Government in this respect was a subject of doubt. The first Congress that met after the adoption of the Constitution imposed duties for protective purposes in definite terms and granted bounties in lieu of impost duties to develop the fisheries, and I believe it is too late for the Senator from Kentucky [Mr. CARLISLE] and the Senator from Delaware [Mr. GRAY], with all of their ability, to convince the people of the United States that Congress is no longer in the possession of powers which it exercised at the very beginning of its existence at the suggestion and with the concurrence of the men who framed the Constitution.

I regret that Senators upon the other side of the Chamber should have taken up a large portion of the day in the discussion of constitutional questions, and that they have found little time for an examination of the details of the bill. Both the Senator from Kentucky and the Senator from Delaware have contented themselves with denouncing the bill in severe terms, and calling attention in a general way to what they call its enormous increases in rates. The Senator from Delaware illustrated what he meant by enormous increases by citing one case, that of steel rails. As the rates upon steel rails are reduced by the bill from an existing duty of \$20.16 per ton on light rails and \$17 per ton on heavy rails to a rate of \$13.44 per ton on all rails, it is difficult to appreciate the force of the Senator's argument. The Senator from Delaware apparently has fears that this reduction is not sufficient to drive out of existence our rail industry and to allow the rail-makers of Belgium and Great Britain to supply the American market; but why he should seize upon a reduction of 30 per cent. in a rate of duty as the basis of a claim of enormous increases is something which I do not understand.

In the new adjustment and rearrangement of schedules it is true that increases in rates upon various products competing with our own have been made, and I propose to show, in as brief a time as I may, the character of these. They may for purposes of consideration be divided into four classes.

The first class includes articles where an increase of rates was necessary to correct errors or inequalities. To this class belongs the increase in duties upon articles like tin-plate and cotton-ties, where by an erroneous construction of the law or by faulty legislation the duty upon an article has heretofore been placed at a lower rate than that fixed either upon the materials from which it was made or upon articles used for the same purposes. To illustrate what I mean I will take the item of tin-plate.

The duty upon galvanized-iron sheets, which are used for many similar purposes with tin-plates, is 2½ cents a pound. The duty upon the iron and steel sheets from which tin-plates are made is 1½ cents a pound. The cost of coating these plates with tin in the United States is three-fourths of a cent per pound more than the cost in Wales, and yet the duty upon tin-plate is fixed at 1 cent per pound. We have thus provided an effective legislative prohibition against the production of tin-plate in the United States.

Hoop-iron, from which cotton-ties are made, pays a duty of 1.2 cents per pound. Hoops for baling hay, hops, or other products, or for use on barrels, tubs, buckets, or other articles in general use, pay a duty of 1.45 cents per pound, while cotton-ties for baling cotton have been admitted at a duty averaging less than one-half of one cent per pound. The result has been the destruction of the business of making cotton-ties in the United States and an improper discrimination in favor of a class and a section.

As protective duties to be effective must always equal the difference between the cost of production here and in competing countries, and as this difference increases with every advancing process in manufacture, so in a symmetrical and harmonious protective tariff the rates imposed must increase with mathematical precision from the duty levied on the crude material through each successive stage of manufacture to the ultimate finished product. Any infraction of this rule will result in discrimination and destruction.

Take, for illustration, the metal schedule. If a rate is fixed which equalizes conditions in the case of iron ore, a higher rate must be fixed upon pig-iron, and iron in bars must have a still higher rate, and so on up through the whole scale of iron and steel duties. If we

should fix upon a duty of \$6.72 per ton upon pig-iron as amply protective, and then place a duty of \$8 per ton upon all iron and steel in bars or other forms, there would be no more pig-iron produced in the United States, and this industry would be lost to our people for the obvious reason that with lower cost of production abroad all iron and steel would be imported in bars, billets, or other more advanced forms.

In the construction of the pending bill its framers have sought as far as possible to cure all defects and to remedy all inequalities growing out of a want of proper relation in rates, and their action in this regard should be considered rather as a correction of rates than an increase in duties.

There is another, more numerous, and much more important class of articles upon which increases have been made, more important not only from their greater value, but from the ultimate effect which their production here would have upon the industrial future of the country. These are the articles or industries which, in the act of 1883 and in prior tariffs, we have surrendered without question to our foreign competitors, articles which we were then willing to confess could not be made in the United States and upon which we have never levied protective duties. These include all the finer and more expensive manufactures in every schedule of the bill. For illustration, as in the cotton schedule; we have increased the duties on all the finest cotton cloths, those which in texture and in cost rival silk fabrics. We have advanced the rates on cotton velvets, chenille goods, and on all fine fashioned hosiery and knit goods. In the flax schedule we have increased rates on all fine linen goods, on laces, lace window-curtains, and embroideries of every description. In the woolen schedule we have advanced rates on the finer dress goods for women's wear, on all the more expensive kinds of cloths for men's wear, and upon fancy articles composed of wool. In the silk schedule we have raised the duties on silk velvets, and plushes, and upon silk laces and embroideries, and on ready-made clothing composed of silk. Increases have also been made on ornamented and decorated glassware, china, and porcelain. On some of the more expensive manufactures of iron and steel the duties have been advanced. Other increases have been made on musical instruments, on fine tissue and surface-coated papers, on manufactures of ivory and shell, and many other miscellaneous manufactures of fancy articles. From any economic standpoint an increase in the rates upon these articles is justifiable. They are all articles of voluntary use; none of them necessary for the comfortable existence of our people. It was the purpose of the committee in the preparation of this bill to formulate a declaration that hereafter they should be produced by American working men and women. We have now the requisite skill, taste, and the material for their manufacture, and every patriotic impulse dictates that we should make their production possible in the United States.

Our importation of these articles amounted last year to \$200,000,000 of foreign value, and including duties and importers' profits, cost our people \$350,000,000. Their production here would give employment to a million of men and women, and, if we include their dependents, four to five million people would be supported by this addition to our national workshop. These five millions of people would in turn be clothed and fed here and would furnish greatly enlarged markets for our farmers and manufacturers.

There is a third class of increases in duties where ad valorem rates levied years ago have proven inadequate as protective barriers. The protection afforded by an ad valorem duty varies with the foreign price of the article upon which it is imposed. The uniform and persistent decline in values during the past twenty-five years of all manufactured articles and nearly all the products of the soil has greatly lessened the protective power of such rates.

The relative difference in the labor-cost of production, say in producing a pound of yarn or a yard of cloth, between our own and competing countries, has not changed to our advantage during this period. Other elements of cost have been greatly reduced, but with equal pace on both sides of the Atlantic. Fuller and more accurate statistics than were formerly accessible leave accentuated the difference in wages between the United States and European countries in every one of the great industries.

If these differences are not greater than ten or twenty years ago we are more definitely conscious of their actual existence, and more thoroughly convinced of the necessity that they should be counteracted. To illustrate the decreasing value of an ad valorem rate with falling prices, I take the duties on cotton hosiery, although the article itself belongs to the class I have heretofore alluded to. Prior to 1883 there was a duty of 35 per cent. upon all cotton hosiery. At that time the finer kinds of women's fashioned hosiery were worth, say, \$3 a dozen, and the duty would be \$1.05 a dozen. There has been since 1883 a decline in price equal to one-half of the value, or, say, to \$1.50 per dozen, and the rate imposed by this bill would be 95 cents per dozen, and although it equals 65 per cent. ad valorem it furnishes less protection to the domestic manufacturer than the old rate of 35 per cent. furnished at the time it was levied.

This may be further illustrated by the statistics of the importation of woolen cloths. The unit of value in 1863, as determined by the imports for that year, was \$1.52 per pound. For the year 1889 the unit of value on the same class of imports was \$1.076 per pound. In

this instance a decline in values equivalent to nearly 30 per cent. is indicated in the period of twenty-one years, and a duty of 50 per cent. ad valorem in 1859 would afford no greater protection than 35 per cent. in 1898. An increased ad valorem duty does not, therefore, furnish evidence of increased protection.

Taking the prices of merchandise as our standard, 50 per cent. ad valorem represents a lower tariff to-day than 25 per cent. represented during the war, or to take for the comparison a more recent period, 50 per cent. in the pending bill will not afford the American producer as much protection as 40 per cent. yielded him at the time of the last tariff revision in 1883.

Mr. HARRIS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Tennessee?

Mr. ALDRICH. Yes, sir.

Mr. HARRIS. I desire to ask the Senator from Rhode Island, who is in charge of this bill, if he does not admit that in levying the duties imposed by the bill the committee were controlled absolutely or largely by the idea of protecting American manufacturers, and not at all or in a very small degree if at all, by the idea of the amount of revenue necessary to be raised by tariff taxation for revenue purposes.

Mr. ALDRICH. I will say to my friend from Tennessee that the committee gave ample consideration alike to questions affecting the revenue and protection, as they deemed both very important.

I have already alluded to three classes of articles upon which we have recommended increases in rates. There remains but one other, namely, agricultural products. The rates upon wool, tobacco, barley, and the whole list of agricultural products have been increased very largely. This action has been taken at the request of the representatives of the agricultural sections and upon the demand of the farmers of the country, who believe that the large importations of competing products—large in the aggregate, although perhaps not large relatively—have injuriously affected their interests.

Every article upon which the rate of duty has been increased by the bill except those included in the liquor and tobacco schedules belongs to one of the four classes I have referred to. As to all others the rates remain unchanged or have been reduced. There has been no increase in rates upon any of that large class of manufactures which our friends upon the other side are so fond of calling the necessities of life. On many articles in common use by the great mass of the people of the country, including all ordinary grades of cotton cloth, all the low grades of woolen cloth, there have been reductions. Upon none of these in any schedule has there been any increase, and I call the attention of Senators upon the other side of the Chamber to this statement, and challenge them to question its accuracy in any particular.

Mr. CARLISLE. Will the Senator allow me a moment?

Mr. ALDRICH. Certainly.

Mr. CARLISLE. As the Senator challenges Senators upon this side—

Mr. ALDRICH. I shall be glad to have the Senator point out a single exception to the statement I have made.

Mr. CARLISLE. Does the Senator undertake to say that the cheap woolen and worsted goods are not necessities of life for our people?

Mr. ALDRICH. They are necessities of life, and the duty on them is reduced by this bill below the rates in existing law.

Mr. CARLISLE. It is much greater.

Mr. ALDRICH. I beg to assure the Senator that it is not.

Mr. CARLISLE. In the first place it is increased largely by changing the classification above the line down to the value of 30 cents to 15 cents per pound, and also by increasing the specific rate of duty as well as the ad valorem.

Mr. ALDRICH. The Senator is aware that upon the lowest grades of woolen and worsted cloths the present rate of duty is 35 cents a pound and 35 per cent. ad valorem. Under the provisions of this bill it is 33 cents per pound and 35 per cent. ad valorem. It is undoubtedly true that upon some cloths valued at or about 80 cents a pound there is an increase of duty, but those cloths do not belong to the class of which I am now speaking.

Mr. CARLISLE. But the present law imposes a duty, which the Senator has stated, upon all goods up to the value of 80 cents a pound.

Mr. ALDRICH. I understand that.

Mr. CARLISLE. And the duty of 33 cents specific and so much ad valorem applies to goods worth less than 30 cents a pound.

Mr. ALDRICH. I understand that.

Mr. CARLISLE. And on all above 30 cents and between 30 and 80 cents it is largely increased.

Mr. ALDRICH. That is true as to the higher-priced goods.

Mr. CARLISLE. And so in regard to worsted goods for women's and children's wear.

Mr. ALDRICH. I understand that, and have so stated, that upon the finer and expensive goods valued at 80 cents a pound or in that neighborhood we have increased the specific rate, an increase made necessary, however, by the increase of the duty upon wool.

Now, I repeat that upon all the articles which Senators upon the other side have described to-day as the necessities of life there are not

only no enormous increases in rates by this bill, but there are none whatever. The American manufacturer is not asking for any increases in the protective duties on any of this class of articles, as none is necessary; he has the entire American market to-day, and will retain it whether the tariff is higher or lower. In fact if it were not for guarding our producers against the surplus product of Europe in periods of great depression in prices, existing rates might with safety be very greatly reduced. Our manufacturers supply nine-tenths of the domestic consumption of all the articles of iron and steel except those which have been discriminated against by legislation, like tin-plate. They supply the cloths to make the clothing of the working men and women. Our cotton manufacturers supply the cotton cloths and all other manufactures of cotton in ordinary use by our people. This is also true of all articles in common use included in all the schedules. Not only have our own manufacturers control of the market of the United States, but we exported last year of this class of manufactures \$107,000,000 worth.

Senators upon the other side point out advances in certain paragraphs and seek from this to create the impression that we have made an enormous increase all along the line. These generalizations are wholly misleading and inaccurate. They have sought to prejudice the farmers of the West against the measure by the pretense that the articles in every-day use by them will be greatly increased in price by its provisions. After a few months of experience with this new tariff act these same farmers will find that they can purchase clothing for themselves and their families and their utensils for farming or domestic purposes at the same or lower prices than before, and they will learn to correctly value the gloomy forebodings and croakings of the whole brood of tariff reformers. I would suggest to my friends upon the other side that the event is quite too near to make it safe to enter the realms of dismal prophecy.

I do not believe that the higher and finer forms of manufacture to which I have alluded will be increased in price by our action unless it should be temporarily. As the Senator from Vermont [Mr. EDMUNDS] very truly suggests, all of our previous experience shows that when American production and competition have been added to foreign production the result has been a diminution in price. Do Senators upon the other side of the Chamber seriously claim that the great mass of the people of the country will be outraged by an increase of the duty upon linen laces, or upon the finer kinds of cotton, woolen, or linen goods for men's or women's wear? These are the items to which they have repeatedly called attention.

Mr. GRAY. How about cotton laces?

Mr. ALDRICH. Cotton laces are the most expensive of all.

Mr. GRAY. Oh, no.

Mr. ALDRICH. They certainly are, and they are not worn by the poor people in my part of the country. They may be in Delaware.

Senators upon the other side are not content with claiming that enormous increases are universal throughout the bill, but they insist that the rates have been raised much higher upon articles in common use by the poor than upon articles of the same class that are used by the rich. These claims are equally inaccurate and groundless. To sustain them an ingenious scheme has been devised of substituting in place of the rates actually levied by the bill what are naively called "equivalent ad valorems." To such an extent has this been carried that Democratic Senators no longer speak of the real rates imposed in the schedule, but always of these imaginary ones; for instance, as I stated in a colloquy with the Senator from Kentucky [Mr. CARLISLE] this morning, they never quote the duty on cotton-ties at 1.3 cents per pound, the rate fixed in the bill, but invariably at 105 or some other extravagant per cent. ad valorem.

To illustrate: As we have levied a duty of \$30 per head on horses, if horses are worth \$5 each, this specific rate would be equal to 600 per cent. ad valorem, and our friends may be found stoutly claiming that we have taxed horses 600 per cent. ad valorem. We may not be able to say in reply that there are no horses in Canada or Mexico valued at \$5 each, yet the gross injustice, not to say absurdity, of the claim that the bill levies a duty of 600 per cent. on horses would be evident to all fair-minded men.

This plan of campaign, of attempting to show the vicious character of the bill by a jugglery with figures, seems to have been first brought to the attention of our friends on the other side by a delegation of New York importers who appeared before the Finance Committee some months ago. The statements made by this delegation have apparently formed the warp and woof, if not the entire fabric, of most of the speeches that have been made upon this subject on the other side of the Chamber. The hearing to which I refer was a notable one. It was the first time in the history of this country that importers as a class had undertaken to dictate what its tariff laws should be. The spectacle was one which will long retain a place in my memory. A large number of men, filling the reception-room and the corridors of the Senate to overflowing, representing, as they said, more than five hundred firms and \$200,000,000 in capital, appeared before your committee and demanded that no increase in existing tariff rates should be made, and that a bill that had already received the approval of the representatives of all the people should not be permitted to become a law. If I had the power

to faithfully reproduce that scene it would make the strongest possible argument in favor of the speedy passage of this bill.

I have no intention of questioning the eminent respectability of the gentlemen who composed the delegation. Many of them were citizens of the United States and entitled of course to all the rights enjoyed by other citizens. Others were residents, temporarily at least, in our country, and entitled in the spirit of international comity to respectful treatment.

One could not help admiring the aggressiveness of this unique delegation. Intelligent—knowing precisely the limitations of their own wants; skillful—the promptings of selfish interests having trained them to master the intricacies and weaknesses of our tariff laws; astute—with all the inherited shrewdness which belongs to generations of merchants; famous—bearing names familiar upon every exchange in Europe; no such collection of men ever before appeared at the doors of the American Senate to influence its legislation. As importers they are entitled to have the revenue laws enacted by Congress enforced honestly and without discrimination as to individuals. But these gentlemen should be politely informed that in the fixing of tariff rates broad questions of public policy are to be considered, and not alone the special interests of a class whose enlarged prosperity might furnish the best indication of national decay. It may not be strange that these gentlemen should seek to guard their own business interests, but it is to my mind incomprehensible that the representatives of a great party should submit to their demands and make the cause they advocate their own.

These gentlemen undertook, by the ingenious system of figures and jugglery with ad valorem rates to which I have alluded, to show that the House bill imposed higher rates upon the goods used by the poor than upon those used by the rich. I propose to carefully examine some of these statements.

Mr. HARRIS. Will the Senator allow me to ask him, as he has spoken of a large number—

Mr. ALDRICH. I hope the Senator from Tennessee will wait until I have concluded my statement, and then I shall be glad to hear his suggestions.

Mr. EDMUNDS. Why not wait a moment and let the Senator from Rhode Island make his explanation?

Mr. HARRIS. The Senator has spoken of a large number of importers who, he says, made their demands. Will he be kind enough to state to the Senate the number of manufacturers who appeared before the Committee on Ways and Means of the House and the Senate Finance Committee making their demands in the same way?

Mr. ALDRICH. I thank the Senator for having put in antithesis these two classes of people, and for calling public attention to the effect their respective demands have had upon the parties on either side of the Chamber as shown by their action upon this bill. As the Senator from Massachusetts [Mr. HOAR] suggests, one class represents American labor and American industries, while the other class represents foreign interests alone.

But all this is aside from the examination that I was about to make. I will first take the rate of duty on cotton velvet. The Senator from Kentucky [Mr. CARLISLE] stated this morning that we had increased the duty upon cotton velvets from 40 to 118 per cent., thus adopting a statement furnished by the importers of this article. These importers further state in their printed brief that cotton velvets "are used principally by the very poorest classes of the population of the United States, and largely by the negroes of the South," and that it would be a very marked injustice to this large class of people if the duty upon cotton velvets should be increased.

In order to make it appear that this bill levies a duty of 118 per cent. upon cotton velvets, a foreign valuation is assumed of sixpence, or 12 cents, per yard for goods 25 inches wide. Upon goods of the same width costing 40 cents per yard abroad the duty by the bill would be 17.6 cents per yard, equivalent to 44 per cent. It is further assumed by these importers that the velvets paying the rate equivalent to 118 per cent. are used by the poor people and those paying 44 per cent. are used by the rich, and upon this assumption is based the statement that we have levied upon the poor man's velvets nearly three times as much duty as upon the rich man's, and this in the face of the fact that the actual duty per yard levied by the bill on the cheaper goods would be 14.1 cents, while on the dearer it would be 17.6 cents.

For the purpose of ascertaining the magnitude of the benefit which the poor colored people who are said to be the principal purchasers of these goods derive from the present low rate of duty upon cotton velvets, I had a very careful inquiry made a few days ago as to prices at the various dry-goods stores in the city of Washington, and the lowest price at which a yard of 25-inch cotton velvets could be bought was 70 cents. I was desirous of finding out just how careful these importers were of the welfare of their wards, for if you should read the statements made to the Committee on Finance by these innocent gentlemen you would suppose that they were entirely oblivious to their own interests and that they simply appeared as the special guardians of the poor people of the country whose rights were endangered.

Now, if cotton velvets can be bought at 6d. per yard in Great Britain and are sold for 70 cents in Washington, who receives the difference? The present duty is 40 per cent., or 4.8 cents per yard, and the total cost laid down here would be, say, 17 cents per yard. Who is to-day en-

gaged in robbing these poor colored people in Washington and throughout the South through the sale of this article? Certainly not the American manufacturer, because very few cotton velvets are now made in the United States. An additional duty of 10 cents per yard could be levied on cotton velvets and a margin of profit still remain of 43 cents per yard between the importer and the consumer. The enormous wealth of the importer would not be lessened materially by this shrinkage in his gains. I have not alluded in any invidious way to the great wealth of the importers who appeared here, although it is doubtless true in many cases that those who spoke for the several classes of manufacture, represented more wealth in the aggregate than all the manufacturers in the United States engaged in making the same goods.

The duty on pocket-knives is another item which has disturbed the consciences, if not the sleep, of Senators upon the other side of the Chamber, and the increase which we have made in the rates upon cutlery has been paraded throughout the country as one of the great enormities of this bill. They say that we propose to levy 117 per cent. upon cutlery; they seek to prove this by showing that if pocket-knives are worth 18 cents a dozen, or a cent and a half each, the rate we propose would be equivalent to 117 per cent., and they say further that as the rate upon a pocket-knife costing a dollar would be equivalent to only 75 per cent., therefore we are discriminating against the poor man who buys a cent-and-a-half knife and in favor of the rich man who buys the dollar knife, notwithstanding the fact that the duty actually levied by the bill on the lower-priced knife is but 1½ cents upon each knife, while the duty upon each of the higher-priced knives is 75 cents. An impression is created, by quoting these equivalent ad valorem rates of 75 and 117 per cent., that we are actually levying a higher rate of duty upon low-priced knives than upon the high-priced ones.

I was anxious to find out who received the advantage derived from the boon of 1½-cent jack-knives, and I made a tour of the hardware stores of Washington, and the lowest-priced knife I could find anywhere was 25 cents.

Mr. FRYE. Twenty-five cents apiece?

Mr. ALDRICH. Yes, 25 cents apiece as against an alleged cost of 1½ cents. I did find in a toy store what was called a knife, which sold for 10 cents, but it was utterly valueless.

The duty on razors is another of the items that gentlemen use to illustrate the enormities of this bill. They say that upon razors worth 6 cents each or 72 cents per dozen the rate of duty is 170 per cent., while upon razors worth 33 cents each the duty is only 56 per cent., and therefore that the razors for the poor are taxed 170 per cent., while the razors for the rich are taxed only 56 per cent. Instead, however, of the duty being more than three times in one case what it is in the other, as would appear from this statement—I am speaking of the actual duty now and not the duty which is produced by this jugglery of figures—it is 10.1 cents each on the lower-priced razors and 18.2 cents each on the higher priced. The lowest-priced razor I could find in any of the Washington shops was 70 cents, but I was told they could be bought at 40 or 50 cents. My informant, however, added, "They are not good for anything, and I would not advise you to buy one." [Laughter.] I followed the advice. I did not intend to buy one, but I wished to know what became of these 6-cent razors.

Another item which these gentlemen have used to illustrate the iniquities of the House bill—I am glad to say the Senate is relieved to some extent in this respect—is that fixing the duty on spectacles. In this case the rate is placed at 300 per cent. They say that if spectacles were worth 1.4 cents per pair the duty on them would be equivalent to 300 per cent. [Laughter.] The lowest priced spectacles I could find anywhere in Washington were 25 cents per pair, and the man who offered them for sale was candid enough to say of them, "The glass is window-glass and the bows are worthless."

This whole plan of showing that enormous increases in rates have been effected by this bill is based upon mathematical exploits similar to these. If worthless pocket-knives, razors, and other articles named are ever imported into the United States at the low prices indicated, then the American people are the sufferers, for they are forced to purchase them at the price of useful articles. Positive prohibition would be the best remedy for this class of imports.

Now, I will not take up the time of the Senate, as I might do very profitably, to go through this entire list. I could refer you, if time permitted, to similar statements made in regard to dress goods, woolen cloths, and many other articles. In commenting upon this bill Senators upon the other side, or their allies the importers, never quote the rates actually imposed. It is always the equivalent ad valorem based, as I have shown, upon some impossible or imaginary foreign value. I fear that this method of discussing a serious question, however, will be continued to the end, and that in the campaign which ends on the first Tuesday in November, from every platform in the United States and in every newspaper we shall have this story repeated *ad nauseam*, of the 105, 170, 200, or 300 per cent. ad valorem rates imposed by this bill.

Possibly we ought to be satisfied with the self-restraint of these gentlemen. It would be just as easy to say that if spectacles were worth seven-tenths of a cent a pair, instead of 1.4 cents per pair, the rate of duty would be 600 per cent.; or that if jack-knives were worth one-half of a cent each instead of 1½ cents each the rate would be 350 per cent. ad valorem; or that if razors were worth 1 cent each instead of

6 cents each that the ad valorem rate would be 1020 per cent. If a high ad valorem equivalent is desired to revive a failing cause, without regard to facts, there is no limit to the mathematical capacity of the gentlemen who are engaged in the importing of these articles.

There are two or three provisions of the bill that have been the objects of special attack as to which I feel that I ought to make an explanation in behalf of the committee.

There is no paragraph in this bill which has been so persistently and so bitterly opposed, and there is none which appeals for support with such irresistible force to all protectionists, as the paragraph which levies an increased duty upon tin-plate. To give some idea of the magnitude of the interests involved in this change I will say that in 1889 we imported 360,000 tons of tin and terne plates from Great Britain, of the foreign value of \$21,002,209, upon which duties were paid amounting to \$7,279,459. All these plates came from one locality, and we took three-quarters of their entire output. I have already given the reasons why these plates were not produced in the United States. Our failure results solely from defective tariff legislation, which we now propose to remedy.

Tin-plates are simply thin iron or steel sheets, cleaned in an acid bath and coated with tin. The coating process is very simple, and consists in dipping the sheets alternately into palm or some other oil and into the molten tin. If the tin-plate industry should be fully established in the United States, as it can be, it would give employment to at least 70,000 people.

We enter the competitive race for this product with no disadvantages except the greater cost of labor and the want of experience. We can and do roll the iron and steel sheets; all the sources of supply of block-tin are open to us, and it is a disgrace for which Congress is alone responsible that we are dependent upon foreigners for our entire supply of this exceedingly useful article. In almost every other direction the development of our manufactures of iron and steel has been remarkable.

For instance, the production of pig-iron in the United States increased from 3,700,000 tons, or 147 pounds per capita, in 1880, to nearly 10,000,000 tons, or 313 pounds per capita, in 1890. This surprising exhibit is but an indication of similar growth in every department of iron and steel production, with the exceptions I have named. As the metal schedule of the existing tariff act is, from a protective standpoint, with the exception I have referred to, the most complete and satisfactory of any, this wonderful expansion affords an apt illustration of the beneficence of the protective system and furnishes an unanswerable argument in behalf of the continuance and enlargement of that policy. I deem it necessary, however, in view of the importance which this proposed change in rates has assumed in public estimation, that the objection urged against its imposition should be clearly set forth and definitely answered.

It is urged that the effect of the additional duty of 1.2 cents per pound will be to largely increase the cost of tin-plate to the American consumers. To this I answer that the price paid by the American consumer for a number of years has been greater than it would have been if American competition had been insured by a protective duty. Foreign manufacturers and importers have taken advantage of their complete control of the American market to maintain prices at a higher level than would otherwise have been possible. This is shown conclusively by the following table comparing prices of tin-plate for a series of twelve years with the prices of galvanized-iron sheets, steel rails, and cut nails for the same period. The difference in the relative percentages of decline is very marked.

Comparison of average prices for twelve years, from 1878 to 1889, of tin-plates, galvanized-iron sheets, steel rails, and cut nails.

Year.	Prices in the United States: Charcoal IC, per pound.		Liverpool prices.		Prices in the United States.		
	Tin-plate, IC coke.	Tin-plate, IC charcoal.	Galvanized-iron sheets, per pound.	Steel rails, per ton.	Cut nails, per keg.		
1878	5.55	14 9	19 34	61	\$42.25	\$2.31	
1879	5.67	17 34	21 8	71	43.25	2.26	
1880	5.95	19 1	24 9	71	67.25	2.08	
1881	5.78	15 4	19 9	71	61.12	2.06	
1882	5.78	15 11	19 10	71	44.80	2.07	
1883	5.78	15 11	19 11	61	37.75	2.06	
1884	5.20	15 10	18 3	57	30.75	2.39	
1885	5.20	18 8	16 92	44	28.50	2.33	
1886	5.23	18 0	16 3	44	34.50	2.37	
1887	5.09	18 1	16 7	44	37.12	2.30	
1888	5.35	18 6	17 6	44	29.87	2.03	
1889	5.38	18 7	18 0	44	29.25	2.00	
Average for twelve years.....	5.56	15 1	19 1	5.0	41.26	2.63	
Percentage of price of 1889 below average price.....	4.5	9.0	8.7	28.8	29.1	24.1	

It will be observed that the price of charcoal tin-plate for the year 1889 in the United States was but 4½ per cent. below the average for the whole period of twelve years, disclosing a significant constancy, while the decline upon the other articles mentioned, where the American manufacturer was brought in competition with the foreign producer, was very much greater. On galvanized-iron sheets, which compete with tin-plate for many uses, the average price for the same twelve years was 5.9 cents per pound, and the average price in 1889 was 4½ cents, the price in 1889 being 28.3 per cent. less than the average for the whole period. Compare this with a reduction of but 4½ per cent. on tin-plates. The average price of steel rails for the same twelve years was \$41.26 per ton, while the price in 1889 was \$29.25 per ton, or a decline of 29.1 per cent. The price of cut nails, upon which the tariff rate was prohibitory for the whole period, was 2.63 cents per pound, while the price for 1889 was 2 cents a pound, or a reduction in that year as compared with the average for the whole term of 24.1 per cent.

For this comparison it will be seen that I have taken three articles in common use, upon which the duty during the whole period has been protective, and the American market supplied by domestic producers, and these show a decline in price of from 24 to 29 per cent. as against a decline of 4½ per cent. in the price of tin-plate. Further examination would show that the price of tin-plate has been more successfully sustained than that of any other manufacture of iron or steel.

It should be borne in mind that the quotations used by Senators upon the other side to show the low cost of tin-plate to American consumers apply only to one grade and that the cheapest. This quality, IC coke, is sold by dealers here on a comparatively small margin of profit. The price at which this grade is sold is from 4.4 to 4.5 cents per pound, but all the heavier weights of bright tin-plate and all terne-plates are sold at a much higher price. The following table shows the prices of the better class of tin and terne plates:

Brands.	Size of sheets.	Gauge.	Weight per box (112 sheets).	Cost to consumer, present duty, 1 c. per lb. added (per box).	Cost to consumer per lb.	Proposed bill, increase 1.2 c. per lb. would add (per box).	Increase on present cost to consumers.
Brand "Melyn," or first-class grade bright tin, charcoal:							
IC.....	14 by 20	20	108	\$6.00	5.55	\$1.29	20.50
IX.....	do	27	135	7.50	5.55	1.62	21.60
IXX.....	do	36	160	9.00	5.55	1.92	21.33
IXXX.....	do	35	180	10.50	5.55	2.16	20.56
IXXXX.....	do	24	200	12.00	6.00	2.40	20.00
IC.....	20 by 28	20	216	12.00	5.55	2.60	21.55
IX.....	do	27	270	15.00	5.55	3.24	21.61
IXX.....	do	36	320	18.00	5.55	3.84	21.33
IXXX.....	do	35	360	21.00	5.55	4.32	20.56
IXXXX.....	do	24	400	24.00	6.00	4.80	20.00
Charcoal roofing-plates (terne), lead and tin coat, (brand M. F.), or equal:							
IC.....	14 by 20	20	108	6.75	6.25	1.29	18.90
IX.....	20 by 28	20	216	13.50	6.25	2.59	19.29
"Hamilton's Best" IC	do	20	216	16.50	7.63	2.59	15.60
For cheap work ("Bessemer" coke tin) cheapest and poorest grade made (for cans):							
IC.....	14 by 20	20	108	4.75	4.80	1.29	27.15

It will appear from this table that when IC coke is sold to the American consumer at 4.30 cents per pound, other weights vary in price from 5.55 to 7.63 cents per pound. Most of the importers and large dealers in tin-plate have special brands which they commend to their customers that are sold at a still higher price. For instance, I have before me a large number of quotations, taken from trade papers in Chicago, St. Paul, and other points in the West, in which special brands are quoted at from 7.40 to 8.10 cents per pound. This table also shows the percentage of increase in present price which would take place with an increased duty of 1.2 cents per pound, if this rate should be added to the cost.

Of the importations of tin and terne plate in 1889, amounting to 727,945,972 pounds, about 40 per cent., or 290,000,000 pounds, were terne-plates—these are steel or iron sheets coated with lead and tin—of various weights, and used for roofing or other purposes. This would leave an importation of 437,000,000 pounds of bright tin-plates. From this, however, should be deducted 166,000,000 pounds exported, this latter amount being substantially all bright tin-plate of the cheaper grades, leaving a net importation of 271,000,000 pounds of bright tin-plate of all gauges and widths consumed in the United States. There are no statistics available showing the relative proportion of light and heavy weight bright tin-plates which go into domestic consumption.

The Senator from Kentucky in the course of the discussion read a letter from a gentleman by the name of Potts, I think, of Philadelphia, in which it was stated that the price of tin-plate was 4.22 cents per pound; that he could not buy the steel sheets from which it must be

made, in Pittsburgh, at less than 5½ cents per pound; and the Senator concluded from this that tin-plate could never be made in the United States.

Now, I hold in my hand a letter from this same Mr. Potts quoting the price of imported steel sheets in another form. He quotes "10 20 by 28 terne ALT old process \$7.50 per box" of 108 pounds, or 6.94 cents per pound.

Mr. CARLISLE. Tin-plate or terne-plate?

Mr. ALDRICH. Terne-plates, which are less expensive to produce than tin-plates, the lead costing very much less than tin, and the cost of manufacture being no greater.

The importers and dealers who have these special brands and sell them at high prices are among the most persistent objectors to an increase in duty, as American production might interfere with their profits. While imported iron and steel sheets coated with lead are selling, as I have shown, at from 6 to 7½ cents per pound, iron or steel sheets of corresponding gauges coated with zinc, of American production, are sold at 4.22 to 4.87 cents per pound. This contrast shows the relative effect of the presence or absence of protective duties.

I believe I have demonstrated that our people are to-day and have been for years paying a higher price for the iron or steel they purchase in the form of tin and terne plates than in any other form. Senators upon the other side ask, "Why then do we not make our own tin-plate?" For the reason that the Welsh and English iron-masters control this market, and whenever an attempt is made to commence its production here the price goes down, as it did in 1873 and in 1879, when such attempts were made.

It is objected that the additional duty will so increase the cost of the tin utensils in universal use, and of other articles made from tin-plate, as to impose grievous and unnecessary burdens upon all consumers of these articles, and to cripple, if not destroy, great industries which have been built up with cheap tin-plate.

It is said that the people who buy dairy-pans, coffee-pots, dinner-kettles, and tin cups will be enormously taxed by the imposition of this duty. The Senator from North Carolina [Mr. VANCE] not now in his seat dwelt in eloquent terms upon the feelings of the poor colored woman in North Carolina when she found that the price of her tin cup was advanced by this monstrous bill.

This allegation demands careful examination. I hold in my hand a statement which has been very carefully prepared, giving the prices of all the tin utensils in ordinary use by all classes of our people. This table shows the wholesale price, the size, the weight of each, and the sum which would be added to the cost of each by the 1.2 cents per pound additional duty, and also the present retail price.

Mr. FRYE. If the duty is a tax?

Mr. ALDRICH. Yes; if the duty is a tax, and if the whole of it should added to the present cost of these various articles. The wholesale prices are taken from the price-list of reputable manufacturers in Baltimore, and the retail prices were obtained from a well known establishment in Washington.

Manufacturers' wholesale prices of tinware, with present duty on tin-plates, and cost of same if whole of proposed increased duty of 1.2 cents per pound is added, together with the present retail price.

Articles.	Size.	Cost per dozen.	Cost each, present duty.	Weight, each.	Cost with increased duty, 1.2 cents per lb. added.	Retail price of same, each.
			Cents.	lbs. oz.	Cents.	Cts.
Coffee-pots, hinged covers.	2 quarts	\$1.10	9.1	1 4	10.6	25
Buckets, covered	do.	.75	6.3	14	7.5	15
Cups	1 pint	.12	1	24	1.4	5
Do	1 pint	.10	1	34	1.8	5
Dish-pans	12 quarts	1.42	12	1 8	13.8	35
Dish-kettles	10 quarts	1.23	10	1 8	11.8	30
Milk-kettles, improved side handles.	4 quarts	1.75	15	1 8	16.8	37
Dinner-kettles, trays, and cups.	3 quarts	1.44	12	1 4	13.5	50
Do	4 quarts	1.80	15	2 4	17.4	40
Square dinner-kettles, tray, flask, and cup.	No. 1	2.30	27	3 12	30.3	50
Do	No. 2	3.75	31	3 4	34.9	60
Tea-kettles, straight.	3 quarts	1.40	12	1 8	13.8	40
Oil-cans, improved	2 quarts	1.00	8.3	1 8	9.5	15
Lard-cans, improved	5 gals. (40 lbs.)	2.25	19	3 0	22.6	25
Dairy-pans, 10	4 quarts	.42	34	8	4.1	15
Milk-pans, 10	do.	.55	44	10	5.3	20
Pudding-pans, 10, retinned.	do.	.75	61	8	6.9	20
Rinsing-pans, 10, retinned.	10 quarts	1.00	124	1 4	14	25
Dish-pans, 10, deep, retinned.	14 quarts	2.10	17	2 0	19.4	40
Sauce-pans, retinned.	4 quarts	1.15	94	12	10.4	20
Wash-bowls	No. 7 (11½-inch)	.44	34	8	4.1	10
Dippers, 10	1 pint	.35	3	4	2.3	10
Pie-plates	9-inch	.20	14	3	1.7	94
Sprinklers	10 quarts	4.50	38	3 8	41	63

* 35 cents per dozen.

This table is in itself a complete answer to the charge that the larger duties on tin-plate will augment the price of any article of tin-ware to the purchaser for use.

I shall not take the time of the Senate to read the whole of this statement, but will call attention to the result in a few cases. Take for instance a pint tin cup, which seems to be the article which troubles our friends on the other side most. They cost at wholesale 18½ cents per dozen, which is a trifle over a cent and a half each, and they weigh 3½ ounces, and if the whole duty were hereafter to be added the total cost would be 1.8 cents each; and they sell at retail everywhere in the United States at 5 cents each. Does any Senator seriously believe that anything will be added to the price of a tin cup to the purchaser at retail on account of this increase in cost at wholesale (if it should take place) of three-tenths of a cent on each cup?

The present wholesale price of coffee-pots is \$1.10 per dozen, or 9.1 cents each. The weight is 1 pound and 4 ounces, and if the additional duty is added the total cost will be 10.6 cents each, and the retail price is 25 cents.

Four-quart dairy pans that our agricultural friends are interested in cost now 42 cents per dozen, or 3½ cents each, and they weigh half a pound. They would cost with the higher rate of duty added 4.1 cents each, and they sell at retail for 15 cents.

Mr. CARLISLE. Does the Senator mean they will cost 4.1 cents more than they cost now?

Mr. ALDRICH. No; the entire cost if the new duty is added would be 4.1 cents. The cost at present is 3½ cents; they will cost, if the whole duty is added, 4.1 cents.

Mr. CARLISLE. Has the Senator any statement which will show the increased cost of all the tin utensils used in the United States by reason of this increased duty—because that, after all, is the test—not what a tin cup or a coffee-pot or a pan or some other article used will cost, but what would be the increased cost of the whole consumption of these tin utensils? Of course the Senator may select any particular article and show that the increased cost will be so small as to be almost inappreciable, but when you come to the aggregate, the whole amount, we have the correct test as to what will be the effect of this bill, because it applies not merely to tin cups and coffee-pots and pans, but to all the articles of tin consumed in this country.

Mr. ALDRICH. If the additional duty should be added to the cost of all the articles produced in the United States and this entire sum paid by one person, say by the poor working man or woman the Senator refers to—

Mr. CARLISLE. It is all paid by the people.

Mr. ALDRICH. It would undoubtedly prove a serious burden.

I would suggest to the Senator from Kentucky that there are two important questions in controversy between us in regard to this matter: First, whether the addition of 1.2 cents per pound to the present duty upon tin-plate will increase its cost or the cost of the articles made from it in the United States. I do not myself think it will permanently, but if it does, the next question is, who will pay this increased cost? I am now engaged in an attempt to show that if the duty should be added to the cost of articles or utensils made from tin-plate this additional cost would not be paid by the purchaser of such articles at retail. The amount that would be thus added to the wholesale price in any case would not be sufficient to increase the cost of the article at retail in any part of the United States. Neither would the margin of profit to the retail dealer be materially diminished.

If the cost of roofing-plates should, as a result of this legislation, be increased 1.2 cents per pound it would add to the cost of a roof .65 of 1 cent per square foot, or increase the cost of a roof of a house 25 by 50 feet in size, \$4.87.

I agree fully with my friend from Iowa [Mr. ALLISON], who in his remarks this morning stated that the effect of the imposition of this duty will be to transfer this industry from Wales to the United States, and furnish our people with cheaper and better tin-plate.

Mr. FRYE. Has the Senator the price of tin cans?

Mr. ALDRICH. Yes; and I will give them to the Senator in a moment. The competition between the American iron and steel manufacturers and those of Great Britain for the American tin-plate market will be intense; but I greatly mistake the temper and the ability of our mechanics and manufacturers if within three years from this time they are not able to show to Congress such results, both as to prices and production, as will fully justify the action we are about to take.

The American producer will experience only the disadvantage I have alluded to. We have equal skill, energy, and capital, and if, by wise legislation, we equalize conditions as to labor, the American market is ours, ours to enjoy forever. I am quite willing that the future of the protective policy should depend upon the success or failure of the duty imposed by this paragraph.

Mr. GRAY. Am I to understand the Senator from Rhode Island to say that he thought in three years it would be possible in this country to produce all the tin-plate consumed here?

Mr. ALDRICH. I beg the Senator's pardon; I did not hear his remark.

Mr. GRAY. Do I understand the Senator from Rhode Island to say that he thought in three years it would be possible to produce the tin-plate in this country that would be adequate for its consumption?

Mr. ALDRICH. A very considerable portion of it.

Mr. GRAY. I will ask the Senator from Rhode Island, in the mean time who will pay about \$50,000,000 of tax at the rate of 2.2 cents a pound that will be collected on tin-plate imported in those three years?

Mr. ALDRICH. It will probably be divided between the foreign manufacturers, the importer, the producer of these articles for sale at wholesale, and possibly the retailer. I think there will be a division all along the line. I do not think any purchaser of tin cans or of tin buckets for consumption will be affected to the slightest extent by the change in the rate of duty.

Mr. GRAY. That is to say, the tax of \$50,000,000 will be collected in three years while we are waiting for this industry to be developed, and will not be an appreciable burden, in other words, to anybody in this country!

Mr. ALDRICH. It will be an appreciable burden, of course, in the sense that it will diminish profits now altogether too large. It will not be a burden felt by the mass of the people, like the sugar duty, for instance, which Senators upon the other side of the Chamber with one voice are seeking to retain.

Mr. FRYE. What is the difference on tin cans?

Mr. ALDRICH. If the difference in duty should be added to the cost of 3-pound cans it would amount to about four-tenths of a cent each.

The Senator from Delaware [Mr. GRAY] made a touching appeal to us the other day in behalf of the canners of fruit in Delaware, begging that they might be relieved from the great impositions placed upon them by this bill. It must have escaped the attention of that Senator that we propose to reduce the cost of sugar 2 cents per pound for his friends, and if they use a pound and a half of sugar in a 3-pound can, as they may occasionally, we save them 36 cents per dozen on canned fruits as against a possible increase of 6 cents per dozen in the cost of the cans.

I say to that Senator that I do not think the people of Delaware will suffer very much from this bill, take it by and large. We shall reduce the cost of their sugar in spite of the protest and vote of one of their representatives here.

Mr. GRAY. The Senator is laboring under the impression that sugar is used in the canned products, or in a large proportion of them.

Mr. ALDRICH. It is certainly used in the canning of fruits unless the canners of Delaware have some peculiar process by which they avoid the use of sugar.

Mr. GRAY. The Senator has not learned quite as much as he thinks he has.

Mr. ALDRICH. Very well. I undoubtedly have not. If the canners of Delaware do not use any sugar I have much to learn in that regard.

I have taken more time than I intended in the discussion of the tin-plate duties, but there is one other objection which I think should be noticed. It is said that if this new burden is imposed the destruction it would cause would be unavailing, as tin-plate can not be produced in the United States; that it never has been made successfully outside of a small district in Great Britain, and that all attempts to promote its production in Germany and elsewhere, even in other parts of the British Islands, have resulted in failure. It is claimed that the Welsh people have such a peculiar aptitude for or knowledge of this manufacture as to make its successful production elsewhere impossible.

The experience of Germany is the best answer to this. The production of tin-plates in that country in 1884 was 12,100 tons; in 1886, 13,600 tons; in 1887, 16,720 tons; in 1888, 18,231; in 1889, nearly 20,000 tons. The importations into Germany from Great Britain, which in 1884 amounted to 5,417 tons, had been reduced in 1890 to about 2,000 tons. The Germans do not use as large an amount of tin-plate as we do, for obvious reasons, but it is very evident that the German manufacturers have secured the control of the German market.

I have here—but will not stop to read it—a statement taken from a French newspaper showing that the production of tin-plates in France last year was more than 14,000 tons, or nearly the whole amount consumed in that country. In fact, every other nation with energy and skill is engaged in making its own tin-plates, and it is incomprehensible that Senators upon the other side should in this respect so persistently discourage every attempt to place American producers on an equality with their foreign competitors.

The Senator from Kentucky has undertaken to show the general effect of this bill by the use of average ad valorem rates, as in another case I have referred to. He says if the merchandise dutiable under this bill should be hereafter imported in the same quantities and at the same values as in 1889, that according to his computation—I do not quite know how he makes it—the duty paid would average 60 per cent. ad valorem.

Mr. CARLISLE. I said nearly 58 per cent., without including anything for the increase made by the administrative bill.

Mr. ALDRICH. I will say to the Senator, in order that there may be no misapprehension here or elsewhere about the effect of this bill, that the average ad valorem rate upon all the dutiable merchandise in 1889 was 45.13 per cent. under existing law, and if merchandise should be imported in 1891 in exactly the same quantities and of exactly the same kinds and value, the average ad valorem rate of duty imposed

upon it by the provisions of this bill would be 44.26 per cent. instead of 60 per cent. as he has suggested.

Mr. CARLISLE. If the Senator will allow me, I understand him to say that if all the importations—

Mr. ALDRICH. I made the statement as plain and explicit as the English language could make it, that if goods in exactly the same quantity and of exactly the same value that were imported and paid a duty in 1889 should be imported in 1891, the average would be as I have stated. I will say further that under the provisions of this bill the average ad valorem rate upon all merchandise, free and dutiable, taking the importations of 1889 as a basis, would be 27.10 per cent., which is greatly below the average rate of the Mills bill or any bill ever prepared by any Democratic committee in either House, of Congress.

Mr. CARLISLE. That is upon the supposition that the statements in the tables are correct and show all the increase in the rates of duty, a statement which I undertook to show this morning could not be accepted because the expert who made the table himself admits that there are many cases in which he could not make the calculation, and in order to ascertain exactly all the increases here we have to resort to information outside for the purpose of ascertaining quantities and values; and my statement was that upon the articles still remaining upon the dutiable-list under this bill the rate of duty will be nearly 58 per cent.

Mr. ALDRICH. I understood the Senator's argument perfectly, and his statement, and he will agree with me, I suppose, that if we should still further increase the free-list by placing three-quarters of the remaining dutiable goods upon it, leaving nothing but spirits and tobacco upon the dutiable-list, the rate would be raised still higher.

Mr. CARLISLE. Of course that would be the effect.

Mr. ALDRICH. The statement of the Senator from Kentucky—I do not mean any disrespect to that Senator—is another of those mathematical exhibits which can be made to suit varying tastes or opinions. As a comparison it is not fair. The items considered are not the same in both cases, as in one the most important of all, namely, sugar, is left out.

Mr. CARLISLE. Sugar is now taken off the dutiable list.

Mr. ALDRICH. I understand that, but you are endeavoring to show the effect of this bill as compared with the present law, and you do not take into consideration the relief to the people of the United States of \$60,000,000 of taxes which are now imposed by the duties upon sugar.

Mr. CARLISLE. Certainly, but I undertook to show that, notwithstanding you put \$60,000,000 on the free-list, you add more than \$64,000,000 to the dutiable list, which offsets it and nearly \$4,000,000 besides.

Mr. ALDRICH. Does the Senator mean that we have placed \$64,000,000 on the dutiable list from the free-list?

Mr. CARLISLE. I include upon the free-list about \$5,000,000 transferred from the free-list to the dutiable list, and the remainder is made up by the increase of rates on articles still remaining on the dutiable list.

Mr. ALDRICH. I of course do not know the basis upon which the Senator makes that statement. I may perhaps be pardoned if I am somewhat suspicious of average ad valorem rates when I find that they are so often based upon hypothetical goods and imaginary facts. I have not seen the Senator's computation, but it must have been made by some system of mathematics not familiar to me.

Mr. CARLISLE. It is the old system.

Mr. ALDRICH. Yes, the old Democratic system.

In 1888 we had for the first time, I think, in the history of this country a tariff bill made in terms and by name the essential part of a party platform. The indorsement of the so-called Mills bill by the Democratic party at St. Louis was definite and distinct. That was the inspired measure which was to lead the people of this country from poverty to wealth. It embodied the wisdom and the intelligence of a great party. This bill, its teachings and provisions, have been treated by Democratic Senators in this discussion with silent contempt. To the three hundred and ninety paragraphs in the schedules, up to and including Schedule 277, amendments were offered by Senators upon the other side of the Chamber, and of these, one hundred and thirty-five, or nearly one-half, were at rates greatly below those in the Mills bill. The platform adopted with such solemnity two years ago has been forgotten or is passed by in disdain. Every one of the amendments I have alluded to received the solid support of Democratic Senators. There was no schedule and hardly a paragraph of the bill that escaped your attacks. Attempts were made to reduce duties on alcoholic perfumery, cosmetics, embroideries, and articles of luxury of every description greatly below the rates in the Mills bill, and yet amendments of this nature received the vote of every Democratic Senator. If all amendments offered from the other side had been adopted, no Congress would have dared to enact them into law. They would have ruthlessly destroyed every great industry in the United States. These amendments did not represent any economic system nor the matured convictions of any large number of people. Your attack was made without order and with no idea of consistency, and it is very fortunate

for the people of the country that you did not succeed in any instance.

I would like, if time permitted, to say a few words about the woolen schedule, but it is now nearly 6 o'clock. ["Go on!" "Go on!"] I must, however, say a word about the duty upon binding-twine, over which a long contest took place in the conference. The conferees on the part of the Senate called the attention of the House conferees to the influences and considerations which controlled the action of the Senate. We were met by the suggestion, which it was very difficult for us to combat successfully, that aside from any exhibition of folly and greed on the part of some of the gentlemen engaged at present in making binding-twine this industry was entitled to reasonable care and protection. With conflicting views the result was necessarily a compromise. We divided the Senate rate, making the duty seven-tenths of a cent per pound.

I hope that with this rate the domestic manufacturers of this article will be enabled to continue its production. They may, by close economy and by reducing their expenses in every possible way, be able to exist; but I have some doubts about it. If the rate proves inadequate to secure the manufacture here we may trust to the wisdom and good sense of some future Congress to correct our mistake.

The duty upon binding-twine at present is 2½ cents per pound. It was proposed by the Mills bill to make the rate 15 per cent. ad valorem, which, upon the range of prices for the past two or three years, would have been equal to 1½ or 1¾ cents per pound. This rate of seven-tenths of a cent a pound is therefore the lowest rate which has ever been incorporated in any tariff bill reported to Congress by any committee, Republican or Democratic.

Mr. CARLISLE. As the Senator refers to the Mills bill, I think it is important to state exactly what the Mills bill did. This bill, as it stands, puts a duty of 2½ cents upon binding-twine made from hemp and 40 per cent. on binding-twine made from jute, if there be any made from jute or ramie or china grass, while the Mills bill —

Mr. ALDRICH. The Senator will pardon me but there never has been a pound of binding-twine made from foreign hemp.

Mr. CARLISLE. I said if there be any made from hemp. The Mills bill put 15 per cent. upon all binding-twine, no matter of what material it was made, hemp, jute, jute butts, sunn, sisal grass, ramie, china grass, etc.

Mr. ALDRICH. The Mills bill made the rate 15 per cent. ad valorem —

Mr. CARLISLE. Fifteen per cent. ad valorem.

Mr. ALDRICH. And as the Senator knows the binding-twine used in this country is made largely from sisal grass and manila, and that the price of imported twine would have been from 10 to 12 cents per pound, the rate of duty would have been from 1.5 to 1.8 cents per pound. Of course the rate fixed by us is an experiment. It is a very great reduction. If a farmer should import 1,000 pounds of binding-twine now he would be obliged to pay \$25 in duties. If imported under the Mills bill the payment would have been \$15, and under this bill \$7. The fact that there was a combination of some kind among the manufacturers which had resulted, as was believed, in obliging the farmers to pay a price for binding-twine that was exorbitant and unjust, created a feeling of prejudice in this Chamber which was quite natural and which we had to recognize the force of in dealing with the matter in conference.

At the request of the Senator from Kansas [Mr. INGALLS] I will allude to the rate of duties imposed by this bill upon woolen goods. I have already alluded to the fact that the duties on woollens have been increased by the bill, but these advances have been largely on the higher-priced goods, and all have been rendered necessary by the increased duties on raw wool.

Mr. HCAR. I wish to ask the Senator from Rhode Island what is a very obvious question, but I should like to have him state it. I ask whether it would be of advantage to anybody to increase the duty on wool in this country unless the rate of duty on manufactures of woolen goods increased in proportion to the amount of the increase of the rate on wool?

Mr. ALDRICH. Certainly not, and that fact was recognized and accepted alike by the wool-growers and woolen manufacturers.

Mr. SPOONER. Will the Senator allow me to ask a question?

Mr. ALDRICH. Certainly.

Mr. SPOONER. Is there any increase of duty upon woolen goods not made necessary by the increase of duty on wool?

Mr. ALDRICH. None whatever in any case, as I believe I can demonstrate to the Senator's satisfaction.

While the most persistent of the complaints made against this bill by importers and others are directed against the woolen-goods duties, it is not true that these duties are, in their analysis, higher than those in other schedules, nor higher than they ought to be to accomplish the purpose sought in all the schedules alike. There has been so much confusion and misunderstanding, not to say misrepresentation, in regard to this portion of the bill, that it may be necessary to explain again, as clearly and concisely as possible, the principle upon which it is constructed.

The following statement, which clearly sets forth the purposes which actuated the framers of the wool tariff of 1867, is alike applicable to existing conditions:

The object sought was to give sufficient protection to the wool-grower and to place the manufacturer in the same position as if he had his wool free of duty. A duty supposed to be sufficient to protect the wool-grower against wool competing with his own was placed upon such wools, and such a specific duty was placed upon woolen cloths as was supposed to be sufficient to reimburse to the manufacturer the expenses of carrying the duty on wools, and the duties on drugs and other materials used in manufacture, and to furnish the required protection.

In framing the wool schedule of this bill the problem was to reconcile conflicting interests more patent and far-reaching here than elsewhere. A large majority of the woolen manufacturers of the country recognize and accept the fact that a broad public policy founded upon a mutuality of interests forbids them the advantage which other textile manufacturers have of free materials. They did not accept the free-wool proposition offered them as a temptation by the Mills bill, because they recognized the interdependence of interests of which I have spoken, and were wise enough to know that no tariff law which seeks to build up one great interest at the expense of another can stand or ought to stand.

It is no doubt true that if the American manufacturer could go into the wool markets of the world, side by side with his English, Belgian, or German competitor, and there select the precise wools best suited to his immediate purpose, without reference to any other consideration, he would be better able to meet these competitors in our own market, with simply the ad valorem duties we impose, than he would be with dutiable wool and our scale of specific and ad valorem rates.

In a broad sense, this statement of a fact—and the advocates of free wool will hardly venture to deny that it is a fact—contains a complete vindication of the rates of specific duties fixed in Schedule K. But it may be well to justify it also in its particular details. Reverting to the origin of this bill, it will be recalled that the manufacturers did not, as a rule, undertake to influence Congress or its committees as to what was a proper duty to be imposed upon raw wool. They said, Let the duty fixed on wool be more or less, the compensatory duties to be effective must be increased or lowered correspondingly, in accordance with a certain mathematical formula, the result of their combined and prolonged experience.

That formula is very simple. It accepts 4 pounds of greasy wool as the quantity of raw material consumed in the finished production of a pound of cloth, and states proportionate relations for a pound of yarn or a pound of clothing. This formula does not mean that 4 pounds of unwashed wool necessarily enter into every pound of finished cloth. It means that in a pound of the best cloth 4 pounds of certain clips of wool, greasy wools of heavy shrinkage, abundantly accessible to foreign manufacturers, but not accessible to our own except by the payment of the duty thereon, are necessarily consumed.

It means that if our manufacturers are to make an equal grade of cloth, on equal terms, out of home-grown or imported wools, or a mixture of both, they must be compensated to the full amount of the shrinkage and waste established as existing in these wools from the use of which they are practically debarred. If they are driven to the use of other wools, costlier wools of lighter shrinkage, they must still be compensated to the extent of the 4 pounds, or they are at a disadvantage as compared with manufacturers who can and do use these heavier and cheaper wools, to say nothing of the additional disadvantage of a restricted choice in their selection of material, for which the bill does not attempt to compensate them.

Some effort has been made in the course of this debate to dispute the accuracy of this computation. But in every such effort, whether made by Senators on information furnished them by others or by importers anxious for lower duties, these critics have misapprehended or misstated the nature of the problem. They have selected certain kinds of wool, and declared that in these particular instances the proportion of shrinkage and waste is only as 2 or 3 pounds of wool to 1 of cloth. I grant there are such instances; but as it is the weakest link in the chain or the lowest point in the levee that determines efficiency, so we are bound to take the highest-shrinkage wools accessible to foreigners and to calculate the compensatory duty on the basis of these. If our manufacturers are excluded from the use of this class of wools, their competitors do use them, and it is against these that the equalization of conditions is to be effected.

Again, it has been argued that the formula is wrong because certain fabrics are produced, in which 4 pounds of wool, even of this high shrinking quality, are not required to manufacture a pound of goods, while the compensatory duty is fixed at four times the wool duty. Goods woven on cotton warps, or containing some admixture of shoddy are cited. I grant the facts in this instance also. But we must, as I have already shown, arrange the compensation on the basis of the best cloths, otherwise we should determine, by our legislation, that the manufacture in this country shall be confined to the lower grades of goods. That would be to affix the brand of permanent inferiority upon our woolen manufacturers. Nor is it possible in a tariff bill to so adjust a system of compensatory duties that it shall exactly fit the amount of wool consumed in an almost infinite variety of fabrics.

To provide for goods mixed with cotton or other substances we have adopted a sliding scale of values with three classifications and different compensatory rates. These gradations could not have been extended without rendering the compensation inadequate at points where it would work injustice.

Attention has also been called to the fact that while the duty on wool of the first class is increased 1 cent a pound, the compensatory duty on cloths is in some cases increased more than 4 cents per pound. It was the failure in the act of 1883 to properly adjust the compensatory duty on woolen goods that has worked great mischief to the woolen manufacture of the United States and subjected that legislation to universal criticism. The wool-grower and the wool manufacturer have suffered alike and together from the mistake. The wool-grower of this country, no matter what duty he has upon his wool, can not prosper unless the woolen manufacturer prospers. No wool duty will avail him without a market for his products.

By fixing an inadequate compensatory duty in 1883 Congress limited the market for American wool by depriving the American manufacturer of the power to compete on equal terms with his foreign rivals. The wool-grower has suffered more by reason of the inadequate compensation on goods in the law of 1883 than he has suffered from the reduction of the wool duty in that act. The compensatory duty was reduced in much larger proportion than the wool duty. The symmetry of the law was thus destroyed. The mistake we have rectified in this bill, not only for the benefit of the manufacturer, but equally for the benefit of the wool-grower. The latter will derive more substantial advantage from this restoration of the proper relations between the wool duty and the compensatory duty on goods than he will from the increase we have provided of 1 cent a pound in the wool duty, for he will thus secure the market for the lack of which he has been suffering.

Our experience under the wool tariff of 1867, as contrasted with the results under the act of 1883, furnishes an effective demonstration of the correctness of the principle upon which the former act was constructed. Under the act of 1867 the business of manufacturing woollens was as

prosperous in the United States as anywhere in the world. From 1883 it has suffered here as it has suffered nowhere else. It has been unable to stand up under the constantly increasing influx of foreign goods. The proportion of imported to home-made goods consumed by our people has increased from year to year since 1883, while under the act of 1867 the increase was as steadily in favor of the domestic production. Last year the foreign value of woolen goods imported was \$56,000,000 in round numbers, or a duty-paid value nearly equal to one-third the American product. In no other of the great national industries does such an anomalous condition exist. I attribute it to the illogical adjustment of the compensatory duties which this bill remedies. It will rapidly disappear under the operation of the bill.

The remarkable increase in woolen importations, from \$37,000,000 in 1882 to \$56,000,000 in 1890, justifies us in accepting, in fact compels us to accept, the principle we have adopted for adjusting compensatory duties as correct and necessary.

Under the protection we propose the industry in this country will enter upon an era of unexampled prosperity. The wool-growing industry will participate in the full measure of that success. As a result of it we shall make in our own mills, by the well-paid labor of our own people, millions of dollars' worth of clothing now made for us in England and upon the Continent. As the production of woolen fabrics thus increases, the price of all varieties will continue to tend steadily downwards, as they have heretofore with adequate protection. As a result, within a period of time that will seem to the framers of this bill exceedingly short, in view of the magnitude of the achievement, the people of the United States will be clothed better than any other people in the world, and more cheaply than ever, in fabrics entirely of their own manufacture, made chiefly from wools of their own growth.

I have been asked to make a statement of the relative increase in rates upon wools and on woollens.

The percentage of increase in rates on wools, noils, wool wastes, and on shoddy and other substitutes for wool varies from 10 to 300 per cent. The average increase upon woollens, as shown by the following table, based on the importations for 1889, is very nearly 10 per cent.:

Statement showing increase of cost, landed in the United States, under rates proposed in Senate bill, over the present tariff, on the principal lines of imported woolen goods.

[Calculations based on the averages of the actual importations of 1889.]

Description.	Unit of value, importations of 1889.	Present rates of duty.	Rates under Senate bill.	Cost under present law in United States.	Cost under proposed law in United States.	Increase of cost under proposed law.	Increase of cost over present law.
Dress goods, mixed:							Per ct.
Not above 15 cts. per square yard.	.15	5 cts. per sq. yd. and 35 per cent.	7 cts. per sq. yd. and 40 per cent.	\$0.2525	\$0.26	\$0.0075	10.89
Over 15 cents per square yard.	.349	7 cts. per sq. yd. and 40 per cent.	8 cts. per sq. yd. and 50 per cent.	.5585	.6035	.0449	8.04
Dress goods, all wool:							
Less than 4 ozs. per square yard.	.199	9 cts. per sq. yd. and 40 per cent.	12 cts. per sq. yd. and 50 per cent.	.3686	.4185	.0499	13.54
Over 4 ozs. per square yard.	1.073	35 cts. per pound and 40 per cent.	44 cts. per pound and 50 per cent.	1.8522	2.0495	.1973	10.65
Cloths, per pound.	1.076	35 cts. per pound and 40 per cent.	44 cts. per pound and 50 per cent.	1.8564	2.054	.1976	10.64
Shawls, per pound.	1.267	35 cts. per pound and 40 per cent.	44 cts. per pound and 50 per cent.	2.1238	2.3405	.2167	10.20

Mr. GRAY. What was the last statement of the Senator from Rhode Island? I could not hear it.

Mr. ALDRICH. I stated that the average increase in rates upon woolen goods would not exceed 10 per cent., and this computation is based upon the importations for 1889.

Mr. CARLISLE. I understand the Senator to say that the increase upon woolen goods will not exceed 10 per cent. I suppose he means that the increase upon the whole woolen schedule will not exceed 10 per cent. He does not mean to assert that there is not an increase of as much as 30, or 40, or 50 per cent. on some classes of goods?

Mr. ALDRICH. I only gave the average result.

I should be glad, if I had the time, to make some allusion to the ad valorem rates in the woolen schedule, and to show the necessity for their imposition, but the Senator from Nebraska [Mr. MANDERSON] reminds me that I have promised to explain the action of the conference in regard to the sugar duties. As every Senator knows, I was earnestly in favor of a duty upon all sugar above No. 13 Dutch standard in color. I believed that the commercial interests of the country, as well as the interests of the beet-sugar producers of Nebraska and other States, would be promoted by the rates as fixed in the Senate amendments; but it became evident soon after the conference met that it would be impossible to maintain the color line at No. 13, and I reluctantly, speaking now only for myself, relinquished my views and acceded to the wishes of a large majority of the conferees. I did so with the hope that my own fears as to the effect of our action upon American trade with countries producing low-grade cane sugars would not be realized.

I believe that the sugar-refining industry of the country will live with the duties that are provided by the conference report, and that the beet-sugar industry of the West will be developed, not as rapidly as we would like, perhaps, under its provisions. By the bill reported from

the conference a bounty of 2 cents a pound will be paid to all producers of sugar testing by the polariscope 90 degrees or more. That is more than double the net bounty which is paid by any other country in the world. The highest net bounty paid by any country outside of the United States is by France, and this is a little less than 1 cent per pound.

Mr. MANDERSON. Will the Senator state what will probably be the polariscopic test of the beet sugar?

Mr. ALDRICH. It will be in all cases over 90 degrees. I think there is none produced in Germany that does not test from 95 to 98. I presume that all that may be produced here will average at least 95 degrees.

Mr. PADDOCK. Mr. President, my investigations as to the bounties paid by European countries do not permit me to credit the statements of my distinguished friend from Rhode Island. As I have been able to determine as to that, the bounty in no one European country is less than 2 cents. The bounty of Austria is almost double. Taking the drawback system which obtains in those countries, though it is somewhat covered up in the administration, the bounty is not less than 2 cents.

Mr. ALDRICH. I think the Senator could not have understood my statement. I said the "net bounty."

Mr. PADDOCK. It is susceptible of proof beyond the possibility of contradiction that the net bounty in the countries named is not less than 2 cents a pound.

Mr. ALDRICH. I regret to be obliged to say that the Senator from Nebraska is very much mistaken.

Mr. PADDOCK. The Senator from Nebraska is not mistaken, and if I had the time I could prove it to the Senator.

Mr. ALDRICH. I have the laws of the various bounty-paying countries here on my desk.

Mr. PADDOCK. I know the history of this matter in all those countries, for I have given it the fullest and most careful investigation, and know that I am correct.

Mr. ALDRICH. I hope my friend from Nebraska will not allow his intention to vote against the conference report to rest upon the accuracy of his information in regard to sugar bounties. The European countries all place prohibitory duties on imported sugars, but as all these countries, owing to their export bounties, export sugars, these duties are useless. France and Germany levy internal taxes on sugar-producing beets, the amount of tax being based on an arbitrary yield which is always exceeded in practice. Germany, France, and Austria-Hungary, which are the principal sugar-producing countries of Europe, pay bounties upon the exportation of sugars and in no other case. The amount of these bounties depends in Germany and Austria on the polarization of the sugar. In France it is paid on refined sugar.

To ascertain the net bounty paid in France and Germany the amount of the tax—taking some average yield for the basis of computation—must be deducted from the gross amount paid as a bounty.

In some remarks made by me on the sugar duties two weeks ago I submitted the following table showing the amount of export bounty paid by Austria on sugar of different tests and the net bounties paid by Germany and France:

BOUNTIES PAID ON SUGAR EXPORTED FROM VARIOUS EUROPEAN COUNTRIES.

Austria pays a direct export bounty—
 On sugars 88 to 93 degrees polarization, 1 florin 50 kreutzers, equals .60 cent per pound.
 On sugars 93 to 99 degrees polarization, 1 florin 60 kreutzers, equals .64 cent per pound.
 On sugars 99 degrees polarization, 2 florins 30 kreutzers, equals .92 cent per pound.

In France—
 The drawback amounts to 60 francs per 100 kilograms.
 The tax equals 48 francs per 100 kilograms.
 Leaving net 12 francs per 100 kilograms, equal to 1 cent per pound.

Germany allows on sugar exported—
 On sugars not above 98 degrees, 8.50 marks, equals 2.04 per kilogram, equals .33 cent per pound.
 On sugars above 98 degrees, 10 marks, equals 2.40 per kilogram, equals 1.00 cents per pound.
 Loaves, 10.65 marks, equals 2.55 per kilogram, equals 1.16 cents per pound.

Germany taxes beets at—
 12 per cent, yield equals .73 cent per pound of sugar.
 15 per cent, yield equals .90 cent per pound of sugar.
 18 per cent, yield equals .47 cent per pound of sugar.

Giving a net bounty on the lowest yield of—
 12 per cent, of from .20 to .43 cent per pound.
 15 per cent, of from .33 to .56 cent per pound.
 18 per cent, of from .46 to .69 cent per pound.

It will be seen by this table that I was quite within limits when I said that the largest net bounty paid by any European country was not more than 1 cent per pound, as the amount varies from .43 cent to 1 cent. Since this table was submitted to the Senate a recent change in the French law has been brought to my attention (see *Journal des fabricants de sucre*, August 13, 1890), the effect of which is to reduce the net bounty paid on exported refined sugar to eighty-two one-hundredths of 1 cent per pound. I think this disposes of the bounty question.

The effect of the abolition of sugar duties will be to cheapen the cost of sugar to all consumers at least 2 cents per pound and to increase its use. It will develop an important industry by stimulating the use and production of preserved fruits. Its direct and indirect beneficial effects will be felt and appreciated more thoroughly than any other change contained in this bill.

The VICE-PRESIDENT. Is the Senate ready for the question? The question is on agreeing to the conference report.

Mr. GORMAN. I trust the Senator from Rhode Island in charge of this bill will favor the Senate and the country with a statement of the effect of this measure as it comes from the committee of conference on the revenue of the Government. I have listened patiently to all he has said about the details of the bill, but I should like to have a statement more in detail as to its effect upon the revenue.

Mr. ALDRICH. The bill as reported from the conference increases the reductions in revenue as made by the bill when it passed the Senate about \$6,280,000.

Mr. GORMAN. I should like to have a little fuller statement than that from the Senator from Rhode Island, who, I know, is entirely familiar as to the effect of the schedules.

Mr. ALDRICH. The additional reduction, of course, chiefly results from a diminution of the tobacco tax and the abolition of the special taxes upon wholesale and retail dealers in tobacco. I estimate that the bill, outside of these items, will produce about the same amount of revenue as when it left the Senate.

Mr. GORMAN. I confess, Mr. President, I am a little dull, probably, and do not comprehend exactly what the Senator states. When this bill was first introduced and presented elsewhere, a very full report was made as to its provisions and its effect upon the revenue. I read from the report numbered 1466, House of Representatives, of the present session, in which the estimate was made that there would be a reduction in taxation of \$71,264,414. That was the entire reduction as it came to the Senate and was presented to the country. Now, during the consideration of this bill in the Senate the Senator from Iowa [Mr. ALLISON], in a speech made on the 2d day of September, favored us with a statement, made up with all the ingenuity of that Senator,

in which he showed that the bill would carry reductions only of \$33,500,000. Since then the bill has been in committee of conference, and now I understand the Senator from Rhode Island to say that the committee of conference have added nearly \$5,000,000 to the dutiable list.

Mr. ALDRICH. We have provided that block-tin shall be added to the dutiable list after 1893, but it does not remain dutiable after 1895 unless certain conditions are met in its production. There will be a million or more dollars added to the revenue from that source whenever tin is dutiable.

Mr. CARLISLE. But, if the Senator will allow me, the Senate itself, after the bill came from the Committee on Finance, and in the committee of conference, has added nearly \$5,000,000, because the duty on tin was put on in the committee of conference.

Mr. ALDRICH. Does the Senator from Kentucky mean that the conference have added \$5,000,000 to the revenue?

Mr. CARLISLE. Oh, no; the Senate and the committee of conference. The Senate so changed the House bill after it came here, and so changed the bill in the conference committee, as to add tin, the duty upon which will amount to about one million three hundred and fifty-odd thousand dollars, and some other things; and then the committee of conference struck some other articles from the free-list which the Committee on Finance had recommended to be made free and put them upon the dutiable list, and altogether the action of the Senate after the bill came first from the Finance Committee, and the action of the conference committee, have added nearly \$5,000,000. I gave the exact amount this morning.

Mr. ALDRICH. The statement made in behalf of the Finance Committee and with my concurrence by the Senator from Iowa was, that the bill as it passed the Senate, all the amendments having been agreed to, when the estimate was made, would reduce the revenue about \$36,000,000. The changes made in conference would increase the estimated reduction from six to seven millions of dollars, and I now estimate the aggregate annual reduction made by the bill as reported from the conference committee at from forty-two to forty-three millions of dollars. Of course, if the Senator from Maryland is willing to accept the statement made to-day by the Senator from Kentucky, there will be an increase of the revenue instead of a diminution, but I assume that this estimate was made for campaign purposes rather than for serious examination here. I have stated to the Senate my own conclusions and those of the Committee on Finance.

The VICE-PRESIDENT. The question is on concurring in the conference report.

Mr. COCKRELL. Upon that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. WALTHALL (when Mr. BERRY's name was called). The Senator from Arkansas [Mr. BERRY] is paired with the Senator from Colorado [Mr. TELLER].

Mr. BLAIR (when his name was called). On this question I am paired with the senior Senator from Mississippi [Mr. GEORGE]. If he were present I should vote "yea."

Mr. PASCO (when Mr. CALL's name was called). My colleague [Mr. CALL] is paired with the Senator from South Dakota [Mr. PETTIGREW]. If my colleague were here he would vote "nay."

Mr. DAVIS (when his name was called). I am paired with the Senator from Louisiana [Mr. GIBSON], who is absent. If he were present I should vote "yea."

Mr. CULLOM (when Mr. FARWELL's name was called). My colleague [Mr. FARWELL] is paired with the Senator from Ohio [Mr. PAYNE]. If my colleague were present he would vote "yea."

Mr. KENNA (when Mr. FAULKNER's name was called). My colleague [Mr. FAULKNER] is paired with the Senator from Pennsylvania [Mr. QUAY]. If my colleague were present he would vote "nay."

Mr. WALTHALL (when Mr. GEORGE's name was called). My colleague [Mr. GEORGE] is paired with the Senator from New Hampshire [Mr. BLAIR], and if present would vote "nay."

Mr. HARRIS (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL]. By a transfer of that pair to the Senator from North Carolina [Mr. VANCE], the Senator from Michigan [Mr. McMILLAN] and myself can both vote. I vote "nay."

Mr. HISCOCK (when his name was called). I am paired with the Senator from Arkansas [Mr. JONES]. If he were present, I should vote "yea."

Mr. GORMAN (when Mr. MCPHERSON's name was called). I was requested by the Senator from New Jersey [Mr. MCPHERSON] to announce that owing to indisposition he is unable to attend the session of the Senate, but if present he would vote "nay."

Mr. PADDOCK (when his name was called). I am paired with the Senator from Louisiana [Mr. EUSTIS]. If he were here, he would vote "nay." I therefore vote as he would vote if present. I vote "nay."

Mr. PETTIGREW (when his name was called). I am paired with the Senator from Florida [Mr. CALL]. If he were present, he would vote "nay," and I therefore vote "nay."

Mr. QUAY (when his name was called). I am paired with the junior Senator from West Virginia [Mr. FAULKNER].

Mr. ALLEN (when Mr. SQUIRE's name was called). My colleague

[Mr. SQUIRE] is paired with the Senator from Virginia [Mr. DANIEL]. If my colleague were present, he would vote "yea."

Mr. WOLCOTT (when Mr. TELLER's name was called). My colleague [Mr. TELLER] is detained from the Chamber by illness. He is paired with the Senator from Arkansas [Mr. BERRY]. If my colleague were present, he would vote "yea" and the Senator from Arkansas [Mr. BERRY] would vote "nay."

Mr. VOORHEES (when Mr. TURPIE's name was called). My colleague [Mr. TURPIE] is necessarily absent, and is paired with the Senator from Minnesota [Mr. WASHBURN]. Were my colleague here, he would vote "nay."

Mr. RANSOM (when the name of Mr. VANCE was called). My colleague [Mr. VANCE] is paired, as stated by the Senator from Tennessee [Mr. HARRIS], with the Senator from Vermont [Mr. MORRILL]. If my colleague were present, he would vote "nay."

Mr. COCKRELL (when Mr. VEST's name was called). My colleague [Mr. VEST] is paired with the senior Senator from California [Mr. STANFORD]. If present, my colleague would certainly vote "nay," and the Senator from California, I presume, would vote "yea."

Mr. EDMUNDS. He would certainly vote "yea."

Mr. DAVIS (when Mr. WASHBURN's name was called). My colleague [Mr. WASHBURN], if present, would vote "yea." He is necessarily absent from the city, and is paired with the Senator from Indiana [Mr. TURPIE].

The roll-call was concluded.

Mr. DIXON. The Senator from Delaware [Mr. HIGGINS] is necessarily absent, and asked me before he left the Chamber to announce his pair with the Senator from New Jersey [Mr. MCPHERSON] and to state that, if present and at liberty to vote, he would vote "yea."

Mr. DANIEL. I am paired with the Senator from Washington [Mr. SQUIRE] and the Senator from New Hampshire [Mr. BLAIR] is paired with the Senator from Mississippi [Mr. GEORGE]. We have agreed to pair off the two Senators who are absent, and that each of us shall vote. I therefore vote "nay."

Mr. BLAIR. I vote "yea."

Mr. DOLPH. I announce my pair with the senior Senator from Georgia [Mr. BROWN]. I do not know how he would vote upon this bill, but at the suggestion of his colleague I will withhold my vote and announce my pair. If at liberty to vote, I should vote "yea."

Mr. HISCOCK. I think, perhaps, I ought to announce, in connection with my pair with the Senator from Arkansas [Mr. JONES], that if present he would vote "nay."

The result was announced—yeas 33, nays 27; as follows:

YEAS—33.

Aldrich,	Dixon,	McMillan,	Sherman,
Allen,	Edmunds,	Manderson,	Spencer,
Allison,	Evarts,	Mitchell,	Stewart,
Blair,	Frye,	Moody,	Stockbridge,
Cameron,	Hale,	Pierce,	Wilson of Iowa,
Casey,	Hawley,	Platt,	Wolcott.
Chandler,	Hoar,	Power,	
Cullom,	Ingalls,	Sanders,	
Dawes,	Jones of Nevada,	Sawyer,	

NAYS—27.

Barbour,	Coke,	Hearst,	Pugh,
Bate,	Colquitt,	Kenna,	Ransom,
Blackburn,	Daniel,	Morgan,	Reagan,
Blodgett,	Gorman,	Paddock,	Voorhees,
Butler,	Gray,	Pasco,	Walthall,
Carlisle,	Hampton,	Pettigrew,	Wilson of Md.
Cockrell,	Harris,	Plumb,	

ABSENT—24.

Berry,	Farwell,	Jones of Arkansas,	Stanford,
Brown,	Faulkner,	MCPHERSON,	Teller,
Call,	George,	Morrill,	Turpie,
Davis,	Gibson,	Payne,	Vance,
Dolph,	Higgins,	Quay,	Vest,
Eustis,	Hiscock,	Squire,	Washburn.

So the report was concurred in.

HOUSE BILLS REFERRED.

The following bills, received from the House of Representatives, were severally read twice by their titles, and referred to the Committee on Indian Affairs:

A bill (H. R. 113) to provide for the disposition and sale of lands known as the Klamath River reservation; and

A bill (S. 11391) for the construction and completion of suitable school buildings for Indian industrial schools in Wisconsin and other States.

The bill (H. R. 12187) to set apart certain tracts of land in the State of California as forest reservations was read twice by its title, and referred to the Committee on Public Lands.

The bill (H. R. 1910) for the relief of Isaac H. Wheat was read twice by its title, and referred to the Committee on Claims.

The joint resolution (H. Res. 158) providing for printing the fifth annual report of the Commissioner of Labor was read twice by its title, and referred to the Committee on Printing.

LEAVE OF ABSENCE.

Mr. SANDERS. Mr. President, circumstances make it important

that I should be absent, and I ask leave of absence indefinitely for this session. The condition of the Committee on Enrolled Bills seems to me to make it proper that I should make this request.

The VICE-PRESIDENT. The Senator from Montana asks that he may be granted an indefinite leave of absence during the remainder of the session. The Chair hears no objection, and leave is granted.

EXECUTIVE SESSION.

Mr. EDMUNDS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifteen minutes spent in executive session the doors were reopened.

J. L. CAIN AND OTHERS.

Mr. MITCHELL submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 2990) for the relief of J. L. Cain and others, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

The Senate recedes from its amendment, and agrees to the bill as passed by the House of Representatives.

JNO. H. MITCHELL,
ANTHONY HIGGINS,
S. PASCO,
Managers on the part of the Senate.
W. C. CULBERTSON,
W. J. STONE,
W. E. SIMONDS,
Managers on the part of the House.

The report was concurred in.

THE REVENUE BILL.

Mr. ALDRICH. I should like to have the concurrent resolution directing a change in the enrollment of the tariff bill disposed of, if the Senator from Tennessee is willing.

Mr. HARRIS. I interposed the objection two or three hours ago. I am not inclined to retard or delay the Senate in any action that it chooses to take in respect to the matter. I interposed the objection because I have a similar resolution pending that has been objected to and it is lying on the table; but I will not retard the action of the Senate in respect to the resolution from the other House, and I withdraw the objection that I made two or three hours ago.

There being no objection, the Senate resumed the consideration of the concurrent resolution.

The VICE-PRESIDENT. The question is on agreeing to the amendment moved by the Senator from Rhode Island [Mr. ALDRICH].

The amendment was agreed to.

The concurrent resolution as amended was agreed to.

FOREST RESERVE IN CALIFORNIA.

Mr. PLUMB. The Committee on Public Lands instruct me to report favorably the bill (H. R. 12187) to set apart certain tracts of lands in the State of California as forest reservations. The committee at its meeting some days ago considered this bill, although it was not then before it in the sense of being actually present, but the subject was there with all its details, and I was instructed to ask the Senate to consider the bill when it should come from the other House.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. COCKRELL. What is the bill?

Mr. PLUMB. It is a bill creating a forest reserve in the State of California surrounding the Yosemite reservation. It is recommended by all the California delegation, by the governor of the State, and by the Interior Department.

Mr. HALE. It ought to have been done years ago.

Mr. PLUMB. It ought to have been done years ago.

Mr. INGALLS. Has the bill been read?

The VICE-PRESIDENT. It has not.

Mr. INGALLS. Let it be read for information.

The Secretary proceeded to read the bill.

Mr. EDMUNDS. Oh, we can not understand that. Let it go over until to-morrow and be printed.

The VICE-PRESIDENT. The bill will go over.

Mr. EDMUNDS subsequently said: I wish to withdraw the objection I made to the House bill just now begun to be read, because it has been explained to me as being one for the preservation of some of the forests in California, and I do not wish to object.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY S. FRENCH.

Mr. HARRIS. I now ask that the concurrent resolution submitted by me some days ago in respect to the Henry S. French case may be considered.

The VICE-PRESIDENT. The concurrent resolution will be read.

The Secretary read the concurrent resolution submitted by Mr. HARRIS on the 20th instant, as follows:

Whereas Senate bill No. 145, for the relief of the legal representatives of Henry S. French, referred the claim to the Court of Claims; and

Whereas said bill does not require said Court of Claims to determine the jurisdictional fact of the loyalty of the said Henry S. French; and
Whereas said bill passed the Senate and subsequently passed the House of Representatives and was sent to the President and was, by concurrent resolution, recalled from the President in order that the bill should be so amended as to require the court to determine the question of loyalty of the said Henry S. French: Therefore,

Resolved by the Senate (the House of Representatives concurring). That said bill be re-enrolled, and in the re-enrollment of said bill there shall be inserted after the word "parties," in line 9 of said enrolled bill, the following:

"And if said court shall find that said Henry S. French did not give any aid and comfort to the rebellion, but was throughout the war loyal to the Government of the United States, and such loyalty having been thus established,"
So that said bill when re-enrolled shall read as follows:

"An act for the relief of the legal representatives of Henry S. French.

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the legal representatives of Henry S. French, deceased, late of Nashville, Tenn., be, and are hereby, authorized to bring suit in the Court of Claims for the recovery of the net proceeds of 230 bales of cotton taken at Jonesborough, Ga., in September, 1864, by General William G. Le Duc, by order of General Sherman, and turned over to the Treasury agent, and by him sold and the proceeds paid into the Treasury of the United States; and for this purpose jurisdiction is hereby conferred upon said court to hear and determine and render judgment in conformity with the rights of the respective parties; and if said court shall find that said Henry S. French did not give any aid and comfort to the rebellion, but was throughout the war loyal to the Government of the United States, and said loyalty having been thus established, if it shall further find that said Henry S. French in buying such cotton did not violate any non-intercourse act, and that it, or any part thereof, was taken by the officers of the United States and the proceeds turned into the Treasury, then, and in that event, judgment shall be entered for the claimant for such proceeds, which judgment shall be paid out of the captured and abandoned property fund; and the said court shall, in the hearing of said claim, consider any evidence that may have been taken under the direction of the Southern Claims Commission in regard to the claim of Henry S. French, with authority on the part of the United States or the claimants to take additional testimony under the rules of said court: *Provided*, That an appeal shall lie in said cause from said court to the Supreme Court as in other cases."

Mr. EDMUNDS. I do not understand that. I think we had better have the resolution printed and go over.

Mr. HARRIS. It has been printed. It was printed some days ago.

Mr. COCKRELL. It simply requires proof of loyalty in the claimant. That is all. It was left out of the bill by mistake.

Mr. HARRIS. It only requires that the court shall inquire as to the question of loyalty.

Mr. EDMUNDS. I am told that the matter has been considered before and I shall not interfere now.

Mr. HALE. We had it before the Senate the other day.

The VICE-PRESIDENT. If there be no objection to the present consideration of the concurrent resolution, the question is on agreeing to the same.

The concurrent resolution was agreed to.

REPORTS OF COMMITTEES.

Mr. DAVIS, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 9254) to increase the pension of Stephen L. Kearney; and

A bill (H. R. 4396) granting a pension to John Grant.

HOUSE BILLS REFERRED.

The following bills, received from the House of Representatives, were severally read twice by their titles, and referred as indicated below:

The bill (H. R. 2617) for the relief of Henry Clay and others, owners and crew of the whaling schooner Franklin, of New Bedford, Mass.—to the Committee on Claims.

The bill (H. R. 3449) for the relief of James M. Lowry—to the Committee on Claims.

The bill (H. R. 6534) for the relief of certain enlisted men of the Ordnance Corps, United States Army, in the matter of claims for bounties—to the Committee on Military Affairs.

The bill (H. R. 6975) to provide for an additional associate justice of the supreme court of Arizona—to the Committee on the Judiciary.

The bill (H. R. 7641) for the relief of Daniel C. Trewitt, of Chattanooga, Tenn.—to the Committee on Military Affairs.

The bill (H. R. 9852) to authorize the Lake Charles Road and Bridge Company, of Lake Charles, La., to construct and maintain bridges across English Bayou and Calcasieu River—to the Committee on Commerce.

The bill (H. R. 11527) to amend chapter 1065 of the acts of the first session of the Fiftieth Congress—to the Committee on Post-Offices and Post-Roads.

Mr. ALDRICH. I move that the Senate adjourn until 12 o'clock to-morrow.

The motion was agreed to; and (at 6 o'clock and 55 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, October 1, 1890, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate the 30th day of September, 1890.

MINISTER RESIDENT AND CONSUL-GENERAL.

George S. Batcheller, of New York, to be minister resident and con-

sul-general of the United States to Portugal, *vice* George B. Loring, resigned.

CONSULS.

Oscar Malmros, of Minnesota, to be consul of the United States at Denia, *vice* John D. Arquimbau, recalled.

Horace W. Metcalf, of Maine, to be consul of the United States at Bermuda, *vice* Henry W. Beckwith, recalled.

POSTMASTERS.

Charles W. Cox, to be postmaster at Conway, in the county of Faulkner and State of Arkansas; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

Henry H. Myers, to be postmaster at Brinkley, in the county of Monroe and State of Arkansas; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

Hubert E. Carpenter, to be postmaster at East Hampton, in the county of Middlesex and State of Connecticut; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

Carl C. Crippen, to be postmaster at Eustis, in the county of Lake and State of Florida; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

August Hoppe, to be postmaster at Apalachicola, in the county of Franklin and State of Florida; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

Joseph F. Doyle, to be postmaster at Savannah, in the county of Chatham and State of Georgia, in the place of George W. Lamar, removed.

William W. Washburn, to be postmaster at Morgan Park, in the county of Cook and State of Illinois; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

William A. McDaniel, to be postmaster at Thorntown, in the county of Boone and State of Indiana; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

James M. Overshimer, to be postmaster at Elwood, in the county of Madison and State of Indiana; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

George E. Comstock, to be postmaster at Fayette, in the county of Fayette and State of Iowa; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

Sidney A. Breese, to be postmaster at Cottonwood Falls, in the county of Chase and State of Kansas; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

Henry E. Cowgill, to be postmaster at Baldwin, in the county of Douglas and State of Kansas; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

Wilson Liff, to be postmaster at Weir, in the county of Cherokee and State of Kansas; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

William L. Bingham, to be postmaster at Pineville, in the county of Bell and State of Kentucky; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

Albert E. Rankin, to be postmaster at Augusta, in the county of Bracken and State of Kentucky; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

Morley H. Wallis, to be postmaster at Houma, in the county of Terre Bonne and State of Louisiana; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

Daniel A. Hurd, to be postmaster at North Berwick, in the county of York and State of Maine; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

John Furniss, to be postmaster at Nashville, in the county of Barry and State of Michigan; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

August E. Anderson, to be postmaster at Kasson, in the county of Dodge and State of Minnesota; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

Joseph McMurtrey, to be postmaster at Windom, in the county of Cottonwood and State of Minnesota; the appointment of a postmaster

for the said office having, by law, become vested in the President on and after October 1, 1890.

Fred E. Wheeler, to be postmaster at Appleton, in the county of Swift and State of Minnesota; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

Thaddeus S. Clarkson, of Omaha, Nebr., to be postmaster at Omaha, Nebr., vice Constantine V. Gallagher, resigned.

William C. May, to be postmaster at Gothenburg, in the county of Dawson and State of Nebraska; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

Christopher Ehul, to be postmaster at Raritan, in the county of Somerset and State of New Jersey; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

Thomas Palmer, to be postmaster at Frenchtown, in the county of Hunterdon and State of New Jersey; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

William P. Phelps, to be postmaster at Merchantville, in the county of Camden and State of New Jersey; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

Charles J. S. Randal, to be postmaster at Rouse's Point, in the county of Clinton and State of New York; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

Woodhull N. Raynor, to be postmaster at Sayville, in the county of Suffolk and State of New York; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

Lambert A. Bristol, to be postmaster at Morganton, in the county of Burke and State of North Carolina; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

Theodore E. McCrary, to be postmaster at Lexington, in the county of Davidson and State of North Carolina; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

Charles W. Dawson, to be postmaster at New Richmond, in the county of Clermont and State of Ohio; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

Carleton A. Horn, to be postmaster at Plain City, in the county of Madison and State of Ohio; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

Frederick Knagi, to be postmaster at Toronto, in the county of Jefferson and State of Ohio; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

Mary S. J. McGroarty, to be postmaster at College Hill, in the county of Hamilton and State of Ohio; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

Henry Andrews, to be postmaster at Ardmore, in the county of Montgomery and State of Pennsylvania; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

Anna H. Griscom, to be postmaster at Jenkintown, in the county of Montgomery and State of Pennsylvania; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

James B. Haines, jr., to be postmaster at Jeannette, in the county of Westmoreland and State of Pennsylvania; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

Nelson H. Hastings, to be postmaster at Austin, in the county of Potter and State of Pennsylvania; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

Michael M. Kistler, to be postmaster at East Stroudsburg, in the county of Monroe and State of Pennsylvania; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

Seth Orme, to be postmaster at St. Clair, in the county of Schuylkill and State of Pennsylvania; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

Robert H. Wilson, to be postmaster at Tarentum, in the county of Allegheny and State of Pennsylvania, in the place of Israel P. Loucks, resigned.

Robert R. Tolbert, to be postmaster at Greenwood, in the county of Abbeville and State of South Carolina; the appointment of a post-

master for the said office having, by law, become vested in the President on and after October 1, 1890.

William S. Chase, to be postmaster at Sturgis, in the county of Lawrence and State of South Dakota; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

Frank H. Hooper, to be postmaster at Eureka, in the county of McPherson and State of South Dakota; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

Robert H. Armstrong, to be postmaster at Kaufman, in the county of Kaufman and State of Texas; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

William E. Singleton, jr., to be postmaster at Atlanta, in the county of Cass and State of Texas; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

George W. Smith, to be postmaster at Ballinger, in the county of Runnels and State of Texas; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

George M. Douglass, to be postmaster at West Rutland, in the county of Rutland and State of Vermont; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

Frank L. Martin, to be postmaster at Bethel, in the county of Windsor and State of Vermont; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

Amos F. Stevens, to be postmaster at Aberdeen, in the county of Chehalis and State of Washington; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

William P. Rucker, to be postmaster at Lewisburgh, in the county of Greenbrier and State of West Virginia; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

Michael Sweet, to be postmaster at Plymouth, in the county of Sheboygan and State of Wisconsin; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

William N. Hewitt, to be postmaster at Bridgeton, in the county of Cumberland and State of New Jersey, in the place of Samuel A. Lansing, removed; Isaac T. Nichols, who was confirmed by the Senate April 3, 1890, not having been commissioned.

PROMOTIONS IN THE ARMY.

Fifteenth Regiment of Infantry.

First Lieut. George A. Cornish, to be captain, September 29, 1890, vice Bean, retired from active service.

Second Lieut. Edward Lloyd, to be first lieutenant, September 29, 1890, vice Cornish, promoted.

Retired.

First Lieut. George W. Kingsbury, United States Army, retired, to be captain of infantry, to date from February 12, 1886.

INDIAN AGENT.

David L. Shipley, of Herndon, Iowa, to be agent for the Indians of the Navajo agency, in New Mexico, vice Charles E. Vandever, to be removed.

WITHDRAWAL.

Executive nomination withdrawn by the President September 30, 1890.

David A. Dudley, to be postmaster at Americus, in the State of Georgia.

HOUSE OF REPRESENTATIVES.

TUESDAY, September 30, 1890.

The House met at 12 o'clock m. Prayer by Rev. J. H. CUTHBERT, D. D.

The Journal of the proceedings of yesterday was read and approved.

CLERK TO COMMITTEE ON IMMIGRATION AND NATURALIZATION.

Mr. LEHLBACH. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the desk.

The resolution was read, as follows:

Resolved, That the clerk of the Committee on Immigration and Naturalization be continued on the roll at the rate of \$3 per day during the recess of the present Congress, the committee having been authorized to sit during the recess; and that the Clerk of the House be authorized to pay the same out of the contingent fund of the House.

Mr. HOLMAN. I should like to have an explanation of the necessity for this.

Mr. LEHLBACH. I will state to the gentleman that the Committee on Immigration and Naturalization have been authorized to sit during the recess. The testimony that has been taken within the last six months has to be completed and corrected, so that the clerk will be kept busy during the entire recess, and certainly he ought to be paid for the work when he is doing it.

Mr. HOLMAN. Has the committee a stenographer also?

Mr. LEHLBACH. No. This is the regular clerk of the committee.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. BRECKINRIDGE. I do not rise for the purpose of objecting, but if it is in order I wish to suggest that perhaps this resolution might, without impropriety, be made somewhat broader than it is. Of course I have no interest in the matter, being in the minority, but we have only two months intervening between the end of this session and the beginning of the next, and it seems to me that it would not be improper to make the resolution broad enough to include more than the clerk of this particular committee—to include, for instance, the per diem men and the pages who work here, so as to let them be borne on the rolls until the beginning of the next session, or else to give them an extra month's pay.

I simply make the suggestion. I do not care to offer any amendment.

Mr. LEHLBACH. I offer this resolution simply because this man will be employed during these two months; and certainly he ought to be paid if he does the work. There can be no objection to this proposition; and I think an amendment such as the gentleman from Kentucky suggests might be objected to. I hope this resolution will go through on its merits.

Mr. BRECKINRIDGE. It seems to me that when a session of Congress is prolonged until October, making so brief an interval before the beginning of the next session, the principle which treats certain officers as session employes, instead of permanent employes, does not justly apply. Such employes, if their residences are at a distance from the capital, do not make enough to justify them in incurring the expense of going home for so short a time, an insufficient time to enable them to engage in any other occupation. I simply make this suggestion.

The question being taken, the resolution was adopted.

PRINTING OF REPORT OF COMMISSIONER OF LABOR.

Mr. RUSSELL. I present for consideration at this time a joint resolution reported favorably by the Committee on Printing.

The Clerk read as follows:

Joint resolution (H. Res. 158) providing for printing the fifth annual report of the Commissioner of Labor.

Resolved by the Senate and House of Representatives, etc., That there be printed 54,000 copies, in cloth binding, of the fifth annual report of the Commissioner of Labor; 25,000 copies for use of members of the House of Representatives, and 15,000 copies for use of members of the Senate; and 15,000 copies for the use of the Department of Labor, the latter number to be wrapped for mailing in such manner as the Commissioner of Labor may direct.

SEC. 2. That the sum of \$31,000, or so much thereof as may be necessary to defray the cost of the publication of said report, and the further sum of \$300, or so much thereof as may be necessary to defray the cost of wrapping 15,000 copies for the Department of Labor, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The joint resolution was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

EMPLOYMENT OF HOUSE LABORERS DURING RECESS.

Mr. PAYNE. I ask unanimous consent for the consideration of the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the Doorkeeper of the House be authorized and directed to retain in the service and pay of the House during the months of October and November all persons employed by the session in his department now on the laborers' roll, at the same rate of compensation now paid such persons; and the Clerk of the House be directed to pay such persons out of the contingent fund of the House.

The SPEAKER. Is there objection to the consideration of this resolution?

Mr. HOLMAN. I hope that the matter will be explained.

Mr. BRECKINRIDGE. How many persons does this resolution cover?

Mr. PAYNE. It covers ten employes, at an expense not exceeding \$1,200. The resolution is similar to one adopted two years ago. On account of the length of the session, there not being enough laborers to do the necessary cleansing of the Hall of the House and the committee-rooms unless these ten men are employed, the adoption of the resolution is necessary.

Mr. HOLMAN. I suggest that the number of employes be specified.

Mr. PAYNE. I have no objection to specifying the number. I will move an amendment to insert, after the words "all persons," the words "not exceeding ten."

The SPEAKER. Is there objection to the present consideration of this resolution?

There being no objection, the House proceeded to the consideration of the resolution.

The SPEAKER. The question is on the amendment which has been stated by the gentleman from New York [Mr. PAYNE].

The amendment was agreed to.

The resolution as amended was adopted.

EXPERIMENTAL FREE-DELIVERY SERVICE.

Mr. BINGHAM. I ask the consideration of a joint resolution favorably reported by the Committee on the Post-Office and Post-Roads.

The Clerk read as follows:

Resolved by the Senate and House of Representatives, etc., That the Postmaster-General be enabled to test at small towns and villages the practicability and expense of extending the free-delivery system to offices of the fourth class, and other offices not now embraced within the free delivery, said test to be made on petition of the patrons and in the discretion of the Postmaster-General, the sum of \$10,000, which sum shall be taken from the amount appropriated for the free-delivery service for the fiscal year ending June 30, 1891, and shall be applied to the payment of carriers for one hour or two hours per day, as may be necessary for the convenience of the public and advantage of the postal service, said pay to be fixed by the Postmaster-General at rates per hour not exceeding the present maximum rates for pay of carriers.

The SPEAKER. Is there objection to the present consideration of this joint resolution?

Mr. KERR, of Iowa. I understand that this resolution proposes to increase the force at post-offices below the third class?

Mr. BINGHAM. The object is simply to authorize an experiment which the Postmaster-General asks to be allowed to make, that its results may be reported at the next session of Congress. It involves no increase of expense, as the money required will come from the fund already appropriated for this service.

Mr. KERR, of Iowa. At how many places is this trial to be made?

Mr. BINGHAM. Subject to the discretion of the Postmaster-General, it is to be made wherever there may be applications from places coming within the terms of the resolution. It is merely a tentative matter—a test.

Mr. HOLMAN. What object is there in naming specially the fourth-class post-offices, and not those of the third class?

Mr. BINGHAM. What is contemplated is simply to go into outlying or country sections—

Mr. HOLMAN. But why should fourth-class offices be named, and not those of the third class?

Mr. BINGHAM. The object is to reach out into what might be called the thoroughly rural sections. It is merely an experiment and involves no additional expense. The Postmaster-General is desirous to try experimentally the system now common throughout England as well as Canada.

Mr. BRECKINRIDGE. I sincerely hope the gentleman from Indiana will not object. I think this is an experiment which ought to be tried, so that if the results be favorable the system may be permanently adopted.

Mr. HOLMAN. I do not desire to object; but I ask that the resolution be again read, as it was not distinctly heard.

The Clerk again read the resolution.

Mr. HOLMAN. I suggest that the resolution be amended so as to read "offices of the third and fourth class."

Mr. BINGHAM. The language already in the resolution is sufficient to embrace third-class offices.

Mr. HOLMAN. There are certainly very few third-class offices that have free delivery. I know of but one in the whole southern portion of Indiana. That is the reason of my suggestion.

Mr. BINGHAM. I will state, with the permission of the gentleman from Indiana, that if he will allow the Clerk to read again the joint resolution he will find that it embraces the third-class offices.

Mr. HOLMAN. I think not. In my judgment, it seems to discriminate against them.

Mr. BINGHAM. Not at all.

Mr. CANNON. If my friend will allow me, there are many second-class offices, I believe, throughout the country where there are less than ten thousand people and less than \$10,000 of revenue—

Mr. HOLMAN. This act, however, only applies to the third and fourth class offices.

Mr. CANNON. I beg pardon, if the gentleman will permit me. I understand the third-class offices are those where the salary is less than \$2,000.

Mr. BINGHAM. Yes; over one thousand and less than two.

Mr. CANNON. And if more than \$2,000 it becomes a second-class office.

Mr. HOLMAN. That is correct.

Mr. CANNON. Now, I suggest to the gentleman that there are many offices in the country where the salary is more than \$2,000, but where the revenue is less than \$10,000 a year.

Mr. BINGHAM. I think the gentleman is entirely in error.

Mr. CANNON. I am not. I know a number of them myself. One instance is Mattoon, Ill., and towns of that class.

Mr. BINGHAM. Let me say that the gentleman misunderstood and misinterpreted the whole scope and purpose of this joint resolution. The Department is thoroughly familiar with the requirements of the cities embracing less than 10,000 population or producing \$10,000 of revenue.

The Senate of the United States has extended the free-delivery service to cities having 5,000 population and producing \$5,000 of revenue. That bill was considered and discussed before the Committee on the Post-Office and Post-Roads, but postponed for consideration until the next session of Congress. That will embrace every line of request that the gentleman desires in connection with the investigation contemplated.

plated by this resolution, for the reason that the Department is satisfied with the service in regard to such places. It is not a matter requiring experiment. But this resolution proposes to reach an entirely different class. It proposes to reach out into the rural section.

Mr. CUTCHEON. The villages.

Mr. BINGHAM. And this is for the purpose of testing the expediency of the service in the rural districts, so that the result of the experiments can be reported to Congress with a view to a practical extension of the service at the next session if it shall be found to be desirable or practicable. The Department desires to extend the service to a greater extent than is now proposed; but before doing so it is necessary that these experiments should be undertaken.

Mr. HOLMAN. But it is entirely discretionary with the Postmaster-General as to where he shall apply this appropriation?

Mr. BINGHAM. Yes, upon application.

Mr. HOLMAN. I hope my friend will not discriminate against the third-class offices, for as a rule they have no free delivery. I will suggest to him, therefore, to insert third-class offices.

Mr. BINGHAM. Very well; I have no objection to that. Let them also be included.

Mr. CANNON. Why not insert all offices not now entitled to the free-delivery service?

Mr. HOLMAN. That is just what the resolution does.

Mr. CANNON. No; I think not.

Mr. HOLMAN. Oh, yes; it says "all other offices."

Mr. MCCREARY. Let me ask the gentleman on what theory towns or cities of 5,000 population or less are not as much entitled to the free-delivery service as the larger towns?

Mr. BINGHAM. I can give no reason, except that the law provides for towns of 10,000 inhabitants and upwards.

Mr. MCCREARY. I understand a bill has passed the Senate allowing free delivery in towns of 5,000.

Mr. BINGHAM. Yes, sir.

Mr. MCCREARY. And that bill is before your committee?

Mr. BINGHAM. It is.

Mr. MCCREARY. I want to say I hope the committee will report it favorably.

Mr. BINGHAM. I respond to the gentleman's wish, and have no objection to saying that I am in favor of such a proposition myself.

Mr. STONE, of Kentucky. Let me ask the gentleman from Pennsylvania this question: Is it not true that the \$10,000 appropriated here is simply to be used as an experiment to see whether or not the system can be applied to all offices in the country?

Mr. BINGHAM. That is the sole purpose of the appropriation.

The SPEAKER. Is there objection to the present consideration of the resolution?

There being no objection, the joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BINGHAM moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

J. L. CAIN ET AL.

Mr. STONE, of Kentucky. I submit a privileged report, Mr. Speaker, from a conference committee.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2990) entitled "An act for the relief of J. L. Cain and others," having met, after a full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment and agree to the bill as passed by the House of Representatives.

W. C. CULBERTSON,
W. J. STONE,
W. E. SIMONDS,
Conferees on the part of the House.
JOHN H. MITCHELL,
ANTHONY HIGGINS,
S. PASCO,
Conferees on the part of the Senate.

The House conferees submit the following statement:

It will be seen that the effect is that the Senate recedes from its amendment, and the bill agreed upon by the conferees is exactly the bill as it passed the House.

The conference report was adopted.

PUBLIC LANDS, FLORIDA.

Mr. DAVIDSON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 3517) for the protection of actual settlers who have made homesteads or pre-emption entries upon the public lands of the United States in the State of Florida, upon which deposits of phosphate have been discovered since such entries were made.

The SPEAKER. The bill will be read, subject to objection.

The bill was read, as follows:

Be it enacted, etc., That any person who has in good faith entered upon any lands of the United States in the State of Florida, subject at the date of said

entry to homestead or pre-emption entry, and has actually occupied and improved the same for the purpose of making his or her home thereon, under the homestead or pre-emption laws, prior to the 1st day of April, A. D. 1890, shall have the right, upon complying with the further requirements of the law, in other respects to complete such homestead or pre-emption entry and receive a patent for the land so entered, occupied, and improved, notwithstanding any discovery of phosphate deposits upon or under the surface of any of said lands after such entry was made: *Provided,* That the entryman had no knowledge of the existence of such phosphate deposits upon the land which is the subject of such entry at the date when the settlement thereon was made.

There being no objection, the bill was considered and ordered to a third reading; and being read the third time, was passed.

UNITED STATES LANDS, SAN FRANCISCO, CAL.

Mr. MORROW. Mr. Speaker, I ask unanimous consent for the present consideration of the following bill, which I send to the Clerk's desk.

The Clerk read as follows:

Be it enacted, etc., That the right, title, and ownership of the city and county of San Francisco, in the State of California, to the body of land hereinafter described are hereby confirmed, and all the right and title of the United States to said land are hereby granted and relinquished to said city and county, and to those persons, and their successors in interest, to whom portions of said land have been heretofore granted and conveyed by or on behalf of said city and county, to the extent of their interest in said land. Said land hereby granted is described as follows: Situated within the corporate limits of said city and county, and being all that strip of land which is bounded upon the south by courses numbered 269, 270, 271, 272, 273, 274, as the same are designated and located by the final survey for a patent of the land granted by the United States to said city and county by an act of Congress dated March 8, 1866, and bounded on the north and west by the line of ordinary high-water mark of the Pacific Ocean and on the east side by the Presidio military reservation.

Sec. 2. That upon the approval of this act the Commissioner of the General Land Office shall issue a patent for said land to said city and county; and said patent shall inure to said grantees of said city and county, and their said successors in interest, as a confirmation of said city and county's grants of said land.

Sec. 3. That all laws in conflict with the provisions of this act are hereby declared inapplicable to the lands hereby granted and relinquished.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MORROW. I ask unanimous consent to print the report in the RECORD in connection with the bill.

There was no objection.

The report is as follows:

Mr. PAYSON, from the Committee on the Public Lands, submitted the following report, to accompany H. R. 7552:

The Committee on the Public Lands, to whom was referred the bill (H. R. 7552) relinquishing certain lands to the city of San Francisco, Cal., submit the following report:

The purpose of this bill is to relinquish to the city and county of San Francisco a small strip of land lying between the line of the pueblo as designated and located by the final survey, for a patent of the land to the said city and county of San Francisco, and ordinary high-water mark of the Pacific Ocean as described and designated as a boundary in the final decree of the United States circuit court confirming the claim of the city of San Francisco to its pueblo lands entered May 18, 1865.

The line of ordinary high-water mark as determined by the court and described in its final decree is the correct boundary of the pueblo grant, but the line of the patent for a distance of nearly 6,000 feet along such boundary on the west and northwest erroneously follows certain inland courses and distances of an early survey made for another purpose. The result is that a strip of land containing about 70 acres between such inland courses and distances and ordinary high-water mark of the Pacific Ocean has been by mistake left out of the patent.

The mistake occurred as follows: After the decree of confirmation in the United States circuit court whereby the lands of the pueblo were confirmed to the city of San Francisco, and the passage of the act of Congress approved March 8, 1866, further relinquishing, granting, and confirming the said lands to the city, a survey of the pueblo was ordered by the General Land Office. There were several tracts of marsh land upon the east and northeast of the pueblo. Parties claiming title thereto under the State contended that the marsh land should be excluded from the pueblo survey.

Other parties, claiming title under the city, claimed that the marsh should be included, and litigation followed in the Land Office between these adverse claimants, and before its termination three official surveys were made of the pueblo under the direction of the Land Department.

The first was made by James T. Stratton in 1867 and 1868.

The second was made by George F. Allard and William Minto in 1882.

The third and last survey was made by F. Von Leitch in December, 1883.

In making the first survey Mr. Stratton did not actually run the line along the high-water mark of the Pacific Ocean on the west and northwest, but adopted for such line the field-notes of a survey made by L. Ransom in April, 1864, in the following language:

"Thence meandering along the line of ordinary high tide to the Pacific Ocean, adopting the field-notes of L. Ransom, deputy surveyor, in subdividing township 2 south, range 6 west."

This Ransom survey was made before the decree was entered in the United States circuit court confirming the pueblo. It had no reference to the lines of the pueblo, but was made under the direction of the surveyor-general of the United States for the purpose of subdividing township 2 south, range 6 west, under the general land laws of the United States. For that purpose the surveyor ran his west and northwest lines along the high land above the shore, which he meandered by inland courses and distances.

In the second survey the surveyors were instructed substantially to correct certain lines on the east and northeast, but to adopt Stratton's notes of survey for the western and northern boundaries.

In the third survey the surveyor was instructed to take in the marsh land, which had been excluded by the Stratton survey; to run the southern boundary farther north, so that the area included should be equal to 4 square leagues; and as to the western and northern boundaries he was to adopt Stratton's notes. The field-notes of the Ransom survey were, therefore, erroneously adopted by all the subsequent surveys, without examination or survey in the field, as designating the line of ordinary high-water mark of the Pacific Ocean.

This strip of land along the shore, left out of the survey and patent by mistake, was unquestionably confirmed to the city by the final decree of the circuit court in 1865, and further relinquished, granted, and confirmed by the act of Congress approved March 8, 1866.

The procedure of the Land Office will not permit the remedy of this defect without an expenditure of time, money, and labor altogether out of proportion to the relief sought.

Your committee therefore recommend the passage of the bill.
A copy of the decree of the United States circuit court, entered May 18, 1865, and of the act of Congress approved March 8, 1866, are appended.

Final decree confirming the claim of the city of San Francisco to its pueblo lands, entered May 18, 1865.

The City of San Francisco vs. The United States.

The appeal in this case taken by the petitioner, the city of San Francisco, from the decree of the board of land commissioners to ascertain and settle private land claims in the State of California, entered on the 21st day of December, 1854, by which the claim of the petitioner was adjudged to be valid, and confirmed to lands within certain described limits, coming on to be heard upon the transcript of proceedings and decision of said board, and the papers and evidence upon which said decision was founded, and further evidence taken in the district court of the United States for the northern district of California pending said appeal—the said case having been transferred to this court by order of the said district court, under the provisions of section 4 of the act entitled "An act to expedite the settlement of titles to land in the State of California," approved July 1, 1864—and counsel for the United States and for the petitioner having been heard, and due deliberation had, it is ordered, adjudged, and decreed that the claim of the petitioner, the city of San Francisco, to the land hereinafter described, is valid, and that the same be confirmed.

The land of which confirmation is made is a tract situated in the county of San Francisco, and embracing so much of the extreme upper portion of the peninsula above ordinary high-water mark (as the same existed at the date of the conquest of the country, namely, the 7th of July, A. D. 1466), on which the city of San Francisco is situated, as will contain an area of 4 square leagues; said tract being bounded on the north and east by the bay of San Francisco, on the west by the Pacific Ocean, and on the south by a due east and west line drawn so as to include the area aforesaid, subject to the following deductions, namely: Such parcels of land as have been heretofore reserved or dedicated to public uses by the United States; and also such parcels of land as have been by grants from lawful authority vested in private proprietorship, and have been finally confirmed to parties claiming under said grants by the tribunals of the United States, or shall hereafter be finally confirmed to parties claiming thereunder by said tribunals, in proceedings now pending therein for that purpose, all of which said excepted parcels of land are included within the area of 4 square leagues above mentioned, but are excluded from the confirmation to the city. This confirmation is in trust, for the benefit of the lot holders, under grants from the pueblo, town, or city of San Francisco, or other competent authority, and as to any residue, in trust, for the use and benefit of the inhabitants of the city.

FIELD, Circuit Judge.

SAN FRANCISCO, May 18, 1865.

GRANT BY CONGRESS.

CHAP. XIII.—An act to quiet the title to certain lands within the corporate limits of the city of San Francisco.

[Approved March 8, 1866.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all the right and title of the United States to the land situated within the corporate limits of the city of San Francisco, in the State of California, confirmed to the city of San Francisco by the decree of the circuit court of the United States for the northern district of California, entered on the 18th day of May, 1865, be, and the same are hereby, relinquished and granted to the said city of San Francisco and its successors, and the claim of the said city to the said land is hereby confirmed, subject, however, to the reservations and exceptions designated in said decree, and upon the following trusts, namely:

That all the said land, not heretofore granted to said city, shall be disposed of and conveyed by said city to parties in the bona fide actual possession thereof, by themselves or tenants, on the passage of this act, in such quantities and upon such terms and conditions as the Legislature of the State of California may prescribe, except such parcels thereof as may be reserved and set apart by ordinance of said city for public uses: *Provided, however,* That the relinquishment and grant by this act shall not interfere with or prejudice any valid adverse right or claim, if such exist, to said land or any part thereof, whether derived from Spain, Mexico, or the United States, or preclude a judicial examination and adjustment thereof.

Mr. MORROW moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider upon the table. The latter motion was agreed to.

THOMAS OWENS AND WILLIAM MARTIN.

Mr. LEWIS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 2562. I make this request at the instance of my colleague from Mississippi [Mr. CATCHINGS]. If the House desires any further information on the subject than is contained in the report I will refer the House to the gentleman from Iowa [Mr. DOLLIVER].

The bill was read, as follows:

A bill (S. 2562) to authorize the appointment of Assistant Surgeons Thomas Owens and William Martin, United States Navy, not in the line of promotion, to the position of surgeons, United States Navy, not in the line of promotion, and for other purposes.

Be it enacted, etc., That the President be, and is hereby, authorized to appoint Assistant Surgeons Thomas Owens and William Martin, United States Navy, not in the line of promotion, to the rank of surgeons, United States Navy, not in the line of promotion, and that for this purpose there be, and is hereby, authorized two additional surgeons in the Navy, to be known and designated as surgeons not in the line of promotion, but in all other respects to be entitled to the rank, pay, emoluments, and privileges of surgeons in the Navy of the United States.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. KERR, of Iowa. I would like to hear a statement of the reasons for this.

Mr. DOLLIVER. Mr. Speaker, the two men named in this bill are veteran surgeons of the old volunteer navy, who have been in the service ever since the early days of the war. Both of them have dis-

tinguished themselves in the yellow-fever scourges that have from time to time visited the South. The Committee on Naval Affairs recommend the bill. It has twice passed this House, as I am informed, and has been more times than that on the Calendar of the House.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to a third reading; and was accordingly read the third time, and passed.

Mr. DOLLIVER moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

THOMAS CHAMBERS.

Mr. STEPHENSON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 309) for the relief of Thomas Chambers.

The bill was read at length for information.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HOLMAN. I call for the reading of the report.

The report was read, as follows:

The Committee on Claims, to whom was referred the bill (S. 309) for the relief of Thomas Chambers, having carefully considered the facts relating to the claim set forth in the bill above referred to, report as follows:

It appears from the evidence in this case that, in the month of December, 1874, Thomas Chambers was awarded the contract for carrying the United States mail over postal route No. 24413, from Sault de Ste. Marie to Mackinac, Mich.; that at the time the contract was awarded to him no Canadian through mail in closed pouches was or had been transported over the said route; that pursuant to a postal arrangement made between the United States and Canada, in February, 1875, the United States contracted to transport such Canadian mail over this and other postal routes. By his contract Mr. Chambers was to receive the sum of \$1,675 per annum as compensation.

That on July 20, 1875, by an order of the Post-Office Department, he was required to carry such Canadian mail in addition to the United States mail proper. He applied for extra compensation for the added work required of him in obeying this order. This application was refused by the Department, on the ground that no authority of law existed by which such payment could be made. During the years ending July 1, 1877, 1878, and 1879, by the request of Mr. Chambers, and upon order of the Post-Office Department, the route No. 24413 was discontinued from the 15th day of May to the 1st day of November of each summer season, steamer service being substituted therefor. But during the remaining portions of the contract term Mr. Chambers continued to carry the mail for both countries over the said route, his contract compensation being proportionately reduced for the times the route was discontinued. So that, in all, he carried the said mail over said route for a period of time substantially aggregating two years and eight months.

The evidence further shows that when he entered into the contract he was not apprised in any way of the intended postal arrangement with the Canadian Government; that it was a condition not existing at the time he made his bid, nor at the time when he entered into the contract; that this postal arrangement greatly increased the expense and work of carrying the mail over this route, the amount of Canadian through mail in closed pouches which he was required to transport being to the United States mail proper in the ratio of 5 to 7; that he did the work under the expectation that Congress would reimburse him for the extra work and expense.

Your committee, therefore, conclude that there is equitably due him therefor the sum of \$1,552.80, the said sum being the amount he should have for the transportation of the said Canadian mail, as computed upon the ratio named between it and the United States mail.

We think that the amount named in the Senate bill is too large, for the reason that no account seems to have been taken of the periods of time when the route was discontinued during the summer season.

We therefore recommend that the said Senate bill 309 be amended by striking out the words "three thousand six hundred and fifty-four dollars and fifty-six cents," and inserting in lieu thereof the words "one thousand eight hundred and thirty-four and eighty one-hundredths dollars;" and as thus amended we recommend the passage of the bill.

Mr. KERR, of Iowa. Mr. Speaker, there does not seem to be any testimony or any statement showing that any additional expense was occasioned by this increase in the mail, and if the amount was only increased a little and no extra expense incurred by the contractor the bill ought not to pass. There is nothing in the report that shows that he incurred any additional expense as the result of this.

Mr. STEPHENSON. He had to put on an extra force and employ extra teams.

Mr. KERR, of Iowa. There is nothing in the report to show that.

Mr. STEPHENSON. He had to nearly double his force.

Mr. CUTCHEON. The report states that the amount of Canadian through mail in those pouches which he was required to transport was to the United States mails proper in the ratio of 5 to 7. In other words, the amount of the mail carried was nearly doubled. The report further states that he did the work under the expectation that Congress would reimburse him for the extra work and expense.

Mr. CANNON. Mr. Speaker, this would be a bad precedent, and if followed to its logical end would cost this Government a great many millions of dollars. Therefore I object.

MESSAGE FROM THE PRESIDENT.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, announced that the President had approved and signed bills and joint resolutions of the following titles:

- An act (H. R. 5674) for the relief of Frank A. Lee;
- An act (H. R. 7815) granting a pension to Maryett Valle;
- An act (H. R. 7869) granting a pension to Sophia J. Dimick;
- An act (H. R. 7964) granting a pension to Margaret Pratt;
- An act (H. R. 9138) granting a pension to Elizabeth Gushwa;
- An act (H. R. 9692) granting a pension to John A. Johnson;

An act (H. R. 10033) granting a pension to Isaac Riseden;
 An act (H. R. 10202) granting a pension to O. E. Hukill;
 An act (H. R. 10034) granting a pension to Clark Stewart;
 An act (H. R. 10679) granting a pension to Clara Reed;
 An act (H. R. 10033) granting a pension to Agnes R. Rice;
 An act (H. R. 10951) granting a pension to Lucinda Rawlinson;
 An act (H. R. 6070) granting a pension to Agnes M. Bradley;
 An act (H. R. 8890) granting an increase of pension to Lewis Solomon, a private in Company A, First Indiana Infantry, Mexican war service;
 An act (H. R. 10036) granting an increase of pension to James B. Reed;
 An act (H. R. 10208) granting an increase of pension to Moses Graham;
 An act (H. R. 10320) granting increase of pension to Nancy Cato;
 An act (H. R. 10710) granting an increase of pension to James H. Vosburgh;
 An act (H. R. 3528) to grant a pension to James Knetsar;
 An act (H. R. 10234) restoring Rebecca Young to the pension-rolls;
 An act (H. R. 2414) increasing the pension of Nelson Rich;
 An act (H. R. 5851) to pension Mathew Lambert for service in the Indian war;
 An act (H. R. 3587) to pension Stacey Keener, widow of Tillman B. Keener, deceased, who served in the Indian war;
 An act (H. R. 4853) to pension Gabriel Stephens;
 An act (H. R. 5654) to pension Elizabeth R. Lockett;
 An act (H. R. 6992) to pension Susan E. Freeman;
 An act (H. R. 6084) to pension Thomas Nelson;
 An act (H. R. 6853) to pension Allen Morris;
 An act (H. R. 9518) for the relief of Margaret Hetzel;
 An act (H. R. 10635) for the relief of Olive M. Hechtman;
 An act (H. R. 10753) for the relief of Mary E. Hicks;
 An act (H. R. 11075) for the relief of John B. Roper;
 An act (H. R. 11355) for the relief of Mary L. Brown, dependent mother of Josiah R. Brown, deceased;
 An act (H. R. 2804) to increase the pension of Charles W. Kridler;
 An act (H. R. 5628) to increase the pension of David Shively;
 An act (H. R. 6218) to increase the pension of Alexander Forsyth;
 An act (H. R. 6798) to increase the pension of George H. Brown, Company I, Sixth Vermont Volunteers;
 An act (H. R. 9945) to increase the pension of Charles Barker;
 An act (H. R. 10154) to increase the pension of John N. Harris;
 An act (H. R. 11345) to increase the pension of Thomas Beaumont;
 An act (H. R. 11417) to increase the pension of Cecilia J. Woods;
 An act (H. R. 1338) granting a pension to Mary A. Green;
 An act (H. R. 1466) granting a pension to Mary Ewald;
 An act (H. R. 1588) granting a pension to Mrs. Delphina P. Walker;
 An act (H. R. 1906) granting a pension to Levi H. Naron;
 An act (H. R. 2279) granting a pension to Abraham W. Jackson;
 An act (H. R. 2385) granting a pension to Barney McArdle;
 An act (H. R. 2415) granting a pension to Nancy Carey;
 An act (H. R. 2427) granting a pension to Fletcher Galloway;
 An act (H. R. 2431) granting a pension to Mary H. Curtis;
 An act (H. R. 2965) granting a pension to Rachel Barnes;
 An act (H. R. 3734) granting a pension to John Mann;
 An act (H. R. 5736) granting a pension to John L. Lindel;
 An act (H. R. 5144) granting a pension to Jonas H. Keen;
 An act (H. R. 5145) granting a pension to W. H. Obrien;
 An act (H. R. 6032) granting a pension to Mary Welsh;
 An act (H. R. 6391) granting a pension to Mrs. Margaret A. Jacoby;
 An act (H. R. 7338) granting a pension to Louisa A. Sippell;
 An act (H. R. 7422) granting a pension to Kate Lane Townes, widow of Col. Robert R. Townes;
 An act (H. R. 7914) granting a pension to Jay Marvin;
 An act (H. R. 8059) granting a pension to Mrs. Emma A. Stafford;
 An act (H. R. 8928) granting a pension to D. M. Miller;
 An act (H. R. 9590) granting a pension to Matilda Evans;
 An act (H. R. 10334) granting a pension to Wiatt Parish;
 An act (H. R. 10350) granting a pension to Elizabeth Patten;
 An act (H. R. 10651) granting a pension to J. W. Robertson;
 An act (H. R. 10709) granting a pension to Calvin Rasor;
 An act (H. R. 11169) granting a pension to Isadora Ritter, formerly Isadora De Wolf Dimmick;
 An act (H. R. 11543) granting a pension to James H. Means, doctor of medicine;
 An act (H. R. 11547) granting a pension to Lucinda Chapin;
 An act (H. R. 10245) to place the name of Hettie McConnell on the pension-roll;
 An act (H. R. 5323) to authorize the President to restore Tenodor Ten Eyck to his former rank in the Army, and to place him on the retired-list of Army officers;
 An act (H. R. 3107) for the relief of Col. James Lindsay;
 An act (H. R. 7718) granting a pension to Thomas Egan;
 An act (H. R. 7739) granting a pension to Mary Cannon, daughter of James Cannon, late of Company D, One hundred and twenty-fifth Regiment New York Volunteers;

An act (H. R. 7840) granting a pension to Mrs. Lillis Otis;
 An act (H. R. 8640) granting a pension to Elizabeth Abell;
 An act (H. R. 9244) granting a pension to Lewis W. Bloom, of Etta, Kans.;
 An act (H. R. 9302) granting a pension to John Scudder;
 An act (H. R. 9317) granting a pension to Margaret M. Clement;
 An act (H. R. 9529) granting a pension to Emma G. Clark;
 An act (H. R. 9826) granting a pension to Rachael A. Fenstemaker;
 An act (H. R. 9935) granting a pension to William Stover;
 An act (H. R. 10031) granting a pension to William Tolle;
 An act (H. R. 10121) granting a pension to Mary L. Nash;
 An act (H. R. 10458) granting a pension to Thomas J. Reed;
 An act (H. R. 11122) granting a pension to Sarah Anderson;
 An act (H. R. 11375) granting a pension to Mrs. A. W. Ackley;
 An act (H. R. 7463) for the relief of Lawrence M. Cafflin;
 An act (H. R. 10557) for the relief of W. G. Trice;
 An act (H. R. 9270) granting an increase of pension to Charles E. Osborne;
 An act (H. R. 9375) granting an increase of pension to Mrs. Catherine Edmunds;
 An act (H. R. 9405) granting an increase of pension to Michael Hargain;
 An act (H. R. 9666) granting an increase of pension to Ransom E. Brauman;
 An act (H. R. 9840) granting an increase of pension to Prentiss M. Fogler;
 An act (H. R. 571) extending the limit of cost for public building at Hoboken, N. J., to meet requirements of site;
 An act (H. R. 7983) amending an act of Congress passed July 12, 1882, relative to the limit of site of post-office and Federal building, Brooklyn, N. Y.;
 An act (H. R. 574) for the establishment of a light-station and fog-signal in the vicinity of Braddock's Point, Lake Ontario, New York, and providing a fog-whistle at Charlotte light-station on said lake;
 An act (H. R. 11154) to repeal part of section 6 of an act entitled "An act to divide the State of Iowa into two judicial districts," approved July 20, 1882;
 An act (H. R. 8943) to provide for the establishment of a port of delivery at Peoria, Ill.;
 An act (H. R. 8247) to authorize entry of the public lands by incorporated cities and towns for cemetery and park purposes;
 An act (H. R. 6349) increasing the pension of John B. Reed, late lieutenant-colonel of the One hundred and thirtieth Regiment Illinois Volunteers;
 An act (H. R. 8923) increasing the pension of James M. Monroe;
 An act (H. R. 10457) increasing the pension of Presly Hale;
 An act (H. R. 11687) increasing the pension of Mrs. Clementine Fink;
 An act (H. R. 4210) to increase the pension of John H. Grove;
 An act (H. R. 4369) to increase the pension of Milton Barnes;
 An act (H. R. 7897) to increase the pension of John Clark;
 An act (H. R. 8381) to increase the pension of Asenath Turner, a Revolutionary pensioner;
 An act (H. R. 10231) to increase the pension of Sanford Kirkpatrick;
 An act (H. R. 5348) to place the name of Sarah A. Small upon the pension-roll;
 An act (H. R. 1894) to pension Silas Beezley;
 An act (H. R. 9897) granting an increase of pension to William R. McCreary;
 Joint resolution (H. Res. 152) providing for the printing of engravings delivered in Congress upon the late James Laird;
 Joint resolution (H. Res. 231) to correct an error in the act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved September 19, 1890; and
 Joint resolution (H. Res. 228) authorizing the Secretary of the Navy to purchase nickel ore or nickel matte for use in the manufacture of nickel-steel armor, and for other naval purposes.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced that the Senate had agreed to the amendment of the House to the bill (S. 3532) granting a pension to Georgiana W. Vogdes.

The message also announced that the Senate non-concurred in the amendment of the House to the bill (S. 3043) to amend and further extend the benefits of the act approved February 8, 1887, entitled "An act to provide for the allotment of land in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States over the Indians, and for other purposes," asked a conference with the House thereon, and had appointed Mr. DAWES, Mr. PLATT, and Mr. MORGAN conferees on the part of the Senate.

The message further announced that the Senate had passed without amendment the bill (H. R. 12163) making an appropriation to supply a deficiency in the appropriation for compensation of Members in the House of Representatives and Delegates from Territories.

PIER AT CHICAGO.

Mr. MASON. Mr. Speaker, I present the following conference report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. Res. 104) "to permit the Secretary of War to grant a revocable license to use a pier as petitioned by vessel-owners of Chicago, Ill.," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 1 to the resolution of the House and agree to the text of the same with the following amendments: Line 3, after the word "of," strike out the words "said pier" and insert in lieu thereof the words "the United States pier at Chicago, Ill., situated north and east of the Illinois Central Railroad Company's wharf No. 1, and on south side of Chicago River."

Line 4, after the word "railroad," strike out the word "car" and insert in place thereof the word "company's."

And the House agree to the same.

That the House recede from its disagreement to the amendment of the Senate striking out the preamble of said resolution, and agree to the same.

WM. E. MASON,
J. H. SWENEY,
FELIX CAMPBELL,
Managers on the part of the House.
S. M. CULLOM,
J. N. DOLPH,
M. W. RANSOM,
Managers on the part of the Senate.

The statement of the House conferees is as follows:

The Senate recedes from its amendment, and agrees to the bill as it passed the House of Representatives.

Mr. BURTON. Mr. Speaker, I am opposed to the adoption of that report, and my objection is based not upon any peculiar feature of the conference report—

The SPEAKER. The gentleman from Illinois [Mr. MASON] has charge of this. Does he yield to the gentleman from Ohio?

Mr. MASON. Oh, yes; I am perfectly willing to have it understood, and will be glad to explain it or to have the gentleman ask any question.

Mr. BURTON. I think the gentleman from Illinois [Mr. MASON] had better explain it first.

Mr. MASON. The original resolution was introduced authorizing the Secretary of War to lease a part of this pier. The Government only owns a strip of it. The Committee on Commerce sent it to the Secretary of War, who recommended that instead of a lease a temporary or revocable license be granted for this part of the pier, upon condition that the parties dredge the river adjoining the pier and repair the pier. This bill went to the Senate and they struck out the words authorizing the Secretary of War to grant the license to the parties whom he thought best for the interest of the Government, and inserted the names of Walker, Whitehead & Co.

The House disagreed to the amendment, and now the Senate has receded from its amendment, and this bill simply allows the Secretary of War to grant a license, revocable at any time when deemed in the interest of commerce, for this part of the pier. The original petition was signed by most of the vessel-owners of Chicago. Some of them have since that time protested against it and some of those have sent telegrams withdrawing their protests.

Mr. CUTCHEON. Will the gentleman from Illinois explain the location and situation of this pier?

Mr. MASON. The pier is 1,000 feet long and 300 feet wide.

Mr. CUTCHEON. Projecting into Lake Michigan?

Mr. MASON. Yes; at the mouth of the river, and belongs to the Illinois Central Railroad, all except these 25 feet. This has been submitted to my colleague from Chicago.

Mr. ANDERSON, of Kansas. Will the gentleman allow me a question?

Mr. MASON. Certainly.

Mr. ANDERSON, of Kansas. This firm to whom the pier is to be leased?

Mr. MASON. That firm is stricken out, and it simply allows the Secretary of War to issue a revocable license.

Mr. ANDERSON, of Kansas. What I wanted to get at is this: Does this give the Illinois Central Railroad control of the whole of that pier?

Mr. MASON. No.

Mr. ANDERSON, of Kansas. If it does, I object.

Mr. MASON. There is nothing at all of that purpose in this legislation. If you will remember, while on the committee, when the matter came up the gentleman from Iowa [Mr. SWENEY] reported in favor of striking out the Senate amendment, and it is now made so that the Secretary of War is to issue a revocable license.

Mr. BAKER. By the consent of my friend I will state that this is merely a revocable license.

Mr. CUTCHEON. Is it left discretionary with the Secretary of War to lease the pier or not?

Mr. MASON. Yes; he is not obliged to issue a license.

Mr. GROSVENOR. How does this bill emanate from the Committee on Commerce?

Mr. BAKER. Because it was sent to the Committee on Commerce and reported by that committee.

Mr. GROSVENOR. This ought to have gone to the Committee on Rivers and Harbors.

The SPEAKER. The Chair would suggest that this is a conference report, and it is now too late to raise the question.

Mr. GROSVENOR. It is a little late; but I will state the fact that the Committee on Rivers and Harbors have reported against this whole line of policy, and now the Committee on Commerce produces a result that overrides that which has been the settled policy of the country.

Mr. CUTCHEON. Mr. Speaker—

The SPEAKER. The gentleman from Illinois has the floor.

Mr. MASON. I yield to the gentleman from Michigan.

Mr. CUTCHEON. I am opposed to this whole line of policy to lease the Government piers in connection with our harbor works to a private individual, or to railroad companies, or anything of the kind. They are constructed by the Government at great expense for a specific purpose, and that is for the safety of the commerce entering and departing from the harbor. I believe it to be pernicious and destructive of the principal object for which the harbors are built, and I hope we shall not initiate this principle. I know it comes rather late to make such an objection with reference to this case, it being here in the form of a conference report; but if I were the Secretary of War, which I am not, I would not lease any of these harbor constructions to a firm or to individuals. It can not possibly be otherwise than that it will be destructive to commerce. The parties who leased these piers will occupy them. They will leave their vessels alongside, and they will be an obstruction to the jaws of the entrance to the harbor. It can not be otherwise than harmful to the general interests of commerce entering the harbor.

Mr. MASON. Will the gentleman permit me to ask him a question?

Mr. CUTCHEON. Yes, sir.

Mr. MASON. Suppose that by this resolution, before they could get even temporary use of the pier, they were obliged to dredge out 50 feet of the river which is not used at all, and which the Government will not dredge, would it not be an advantage to the commerce?

Mr. CUTCHEON. If 50 feet next to the piers is not dredged, then it ought to be dredged, so that the commerce of that port could have the entire entrance.

Mr. MASON. That is one thing that we obtain by the passage of this resolution.

Mr. CUTCHEON. But I do not approve the way that you get it.

Mr. MASON. I think you would if you understood it thoroughly.

Mr. ADAMS. Mr. Speaker, similar propositions have come from several cities. The only objection is that made by the gentleman from Michigan that it closes the jaws of the harbor. In the harbor at Chicago that objection does not obtain for the reason stated by my colleague, that the harbor next to this pier is not dredged and has not been dredged for many years, and the party to whom this revocable license would go will have to dredge the harbor alongside of it so as to be able to have the use of it. The real motive of the vessel men of Chicago wanting this license to be given is that steamers leaving that port have now to swing across the river and then run into a slip in order to get their supply of coal. If this license is given they may without turning, except a little to starboard, receive their coal and immediately go out to sea; so that really in that very place it will be of benefit to the commerce rather than an obstruction to it.

Mr. CUTCHEON. In view of the fact that it is left discretionary with the Secretary of War to revoke this license at any time, and having great confidence in that high official, I simply desire to enter my protest and objection to this policy of renting the Government piers; but as this is so well guarded in the law I will make no further objection.

Mr. BURTON. Mr. Speaker, it seems to me that it is only necessary in deciding this case for the House to regard the simple principle that these piers are built by the Government at the public expense as boundaries of the channels to be used for the entrance and exit of vessels. If there is a pier here which is not needed for that purpose it ought to be abandoned. But the object of this resolution is to give to a private individual or to a private corporation the use of the property of the Government for an entirely different purpose.

To my mind it is not an answer to the objection at all to say that it is revocable at the will of the Secretary of War, because every one knows as a matter of experience that when a private interest gets possession of Government property it is not long before they claim a vested right, and it might just as well provide for an irrevocable license. There are other features applicable to this particular case here. The channel will have to be widened in view of the fact that the sizes of the ships entering that harbor are increasing in size from year to year as the depth of the channels along the different water ways is increased. Recently there has been a decision rendered by the courts which is very threatening to vessel men in similar cases, to the effect that where a boat is moored in the channel for the purpose of unloading and a boat entering the harbor is by the wind or the current driven into collision with it, the boat moored can recover for the damages by the collision.

The simple fact is that these channels should be reserved as entrances to harbors, for the coming in of vessels, and no part of them should be appropriated for private interests, to use for the loading and unloading of vessels. If there is more width than is needed it should be abandoned. It is true that here there is only 25 feet belonging to the Government, and next to that is the land of the Illinois Central Railroad; but if we pass this resolution and disregard the objection to it we shall

be establishing the principle that wherever there is a narrow strip of land belonging to the Government bordering upon a water way and there is private property next to it, the Government property must be used in a manner subordinate to that of private property. In any aspect in which you view this resolution it seems to me that it is objectionable, and the fact that the license is to be revocable does not remove the objection.

Mr. STOCKBRIDGE. Just one word, Mr. Speaker, in this connection. As a member of the Committee on Commerce I voted for the resolution, believing that the commerce of the city of Chicago would be promoted thereby. This is one of a series of Government piers along the Great Lakes which have fallen into disrepair, so that their use is not practicable. The resolution proposes that by private enterprise this pier shall be restored, and the necessary dredging shall be done to make it thoroughly available; at the same time, any such resolution as this will and must constitute a precedent for the leasing or disposal of Government piers along the lakes.

Those piers have been acquired only because they were felt to be important for Government uses upon the Great Lakes, which form a portion of our northern boundary. Valuable when acquired, they should be maintained and kept in order for Government use, and when not actually in use, being Government property, they should be equally open to all the public. It is now proposed to devote one of these piers to private use. As a precedent it strikes me as extremely pernicious, and I would not be content that it should be regarded as a precedent for similar use of other piers on the Great Lakes.

Mr. MILLIKEN. Can the gentleman inform us why the Government has allowed this pier to fall into disuse?

Mr. STOCKBRIDGE. That I am unable to say.

Mr. MILLIKEN. Is there any probability that the Government will ever repair it?

Mr. BAKER. Not at all.

Mr. MILLIKEN. If the Government has no further use for the pier, and if it can be made useful in any other way, it seems to me that it should be utilized.

Mr. BAKER. It ought to be remembered that this license is revocable at the will of the Secretary of War without a minute's notice.

Mr. GROSVENOR. There has never been one such order revoked in the history of the Government.

Mr. FARQUHAR. Mr. Speaker, right in the same line with this pier which is under discussion is a pier in Buffalo Harbor. It was built, or attempted to be built, by the United States in 1826, but Buffalo Harbor has changed its lines considerably since the Government first drove their spiles and filled up with brush. The Delaware and Lackawanna Railroad Company acquired property contiguous to this Government pier and abutting it, and the pier is of little use to the Government because it can not advantageously occupy it.

The Government has refused to expend one dollar in dredging the mouth of the harbor where this pier is, but they did give authority to the Delaware and Lackawanna Railroad Company to expend \$50,000 or \$60,000 in completing a substantial pier there, and to occupy a strip of 5 feet, upon which are the great coal trestles of that railroad. Now, the difficulty there is the same as the difficulty with this Chicago pier. The Government can not make any use of the Chicago pier, so it seeks to give a revocable license to parties to occupy it. The Lackawanna Railroad Company has built a substantial pier at Buffalo, but there has been some question as to whether it is not a detriment to the navigation at the mouth of the river. Contesting parties have appeared before the River and Harbor Committee, and the gentleman from Ohio [Mr. GROSVENOR] has heard the statements of all the parties in interest.

Mr. GROSVENOR. The practical difference between the case under consideration and the case at Buffalo arises probably out of the fact that in Buffalo it was admitted that the presence of the private pier, or its occupancy by private vessels, would narrow the entrance to the harbor. In this connection, I may say that this revocable license has worked about the same as if it had been a perpetual one.

Mr. FARQUHAR. Well, of course, I do not believe in a perpetual license in such a case, but this is a question that concerns nearly every great city with a water front. The old piers that were built to make up old water lines stand on a different footing, it seems to me, from any new work which has been commenced since 1855, and I am not certain but that when they are detrimental to navigation the license ought to be revoked. But when we find a strip of Government land under old surveys which is contiguous to property which is valuable for commercial or marine purposes the United States may hold that property, but they hold it to the detriment of the commercial interests of these great ports. That is the proposition; and when you give a revocable license it leaves the power to the Secretary of War to take back the property at any time into possession of the Government.

Now, let me mention one matter in connection with this question of dredging. The Government pier at Buffalo is in the jurisdiction of the city of Buffalo, entirely under the control of the city officers; the Government itself has had nothing to do with the pier for twenty-five or thirty years, except to grant the license to a railroad company to make a pier where the Government never really had one. I think

that in the interest of the commerce of these great cities these strips of land suitable for purposes of this kind ought to be made available in some way for the benefit of private individuals, corporations, or the general public. Just opposite to this Government pier at Buffalo stands the pier occupied by the Life-Saving Service of the United States. Now, here is the incongruity. At this pier on the opposite side—the south pier—the Government itself will not expend one dollar for dredging, but asks the city of Buffalo to do the dredging and keep the pier in order, which it does.

I am just as tenacious of the authority of the United States in regard to the promotion of the interests of commerce through piers and other instrumentalities as any man on this floor; but I do not believe in any sentimental way of trying to make something out of nothing.

Mr. BURTON. Is the gentleman familiar with any instance in which these revocable licenses have been revoked?

Mr. MASON. I can cite one.

Mr. FARQUHAR. Probably I could not tell the gentleman of a case of that kind, because the utility of the license to both parties operates to prevent revocation.

Mr. BURTON. Has there been any such instance on the Great Lakes?

Mr. MASON. Not within my knowledge.

Mr. GROSVENOR. In the case of Buffalo Harbor, what was originally a revocable license has ripened (according to the claim which has been made) into an absolute title.

Mr. FARQUHAR. Oh, no; the title of the Government can not be defeated in that way. By the very terms of these revocable licenses, the rights of the Government are preserved.

Mr. GROSVENOR. Let me say to the gentleman that I by no means indorse the idea that the Government can lose its title in this way; but this claim has been asserted, though the rights of the parties asserting it originated under a mere temporary, revocable license.

Mr. FARQUHAR. It may be that such a claim has been asserted; I do not know anything about that.

Mr. MASON. I call for a vote on agreeing to the report.

The question being taken, the report was agreed to; there being, on a division—ayes 42, noes 14.

Mr. MASON moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ISAAC H. WHEAT.

Mr. HOLMAN. I ask unanimous consent that the Committee of the Whole House be discharged from the further consideration of the bill which I send to the desk, and that it be considered now. It does not involve a large amount.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized: and directed to pay to Isaac H. Wheat, of Jefferson County, Indiana, out of any money in the Treasury not otherwise appropriated, the sum of \$200, for one horse belonging to him and which was taken from him by the military forces under General Hobson, in Jefferson County, Indiana, in July, 1863, and applied to the use of the United States.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. BRECKINRIDGE. I think we ought to have some explanation of the bill. [Laughter.]

The SPEAKER. The Chair has no doubt the gentleman from Indiana [Mr. HOLMAN] will explain.

Mr. HOLMAN. A very interesting report on this bill has been made by the gentleman from Iowa [Mr. DOLLIVER].

Mr. BRECKINRIDGE (exhibiting a photograph). I am requested to ask whether this is a picture of the horse which is the subject of this claim?

Mr. HOLMAN. That is probably a correct picture of the horse [laughter], as it seems to be brought in here as proof.

Mr. KERR, of Iowa. I ask that the report be read or that some explanation be made.

The report of the Committee on War Claims (by Mr. DOLLIVER) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 1916) for the relief of Isaac H. Wheat, reports as follows:

This is a claim for a horse taken from the claimant in Jefferson County, Indiana, in July, 1863, by the Army of the United States. Claim stated at \$200.

The claimant presented his claim to the Quartermaster-General for payment, and not allowed.

The proof is positive that the horse was taken by the Army of the United States for the public service; that the horse was worth \$200; that he has not received pay or compensation therefor from any source, either in whole or in part, but that the same is still due and owing to him from the United States; that the claimant was throughout the war loyal to the Government of the United States.

Your committee therefore report back the bill and recommend its passage.

Mr. WILLIAMS, of Ohio. It appears that the bill proposes to pay \$200 for this horse. That is a little more than we paid for horses during the war.

Mr. BAKER. Do I understand that this horse was "loyal?" [Laughter.]

Mr. WILLIAMS, of Ohio. I wish to move an amendment to cut down the amount to \$150.

The SPEAKER. Is there objection to the present consideration of the bill? The Chair hears none. The question is on ordering the bill to be engrossed and read a third time.

Mr. PAYSON. I desire to offer an amendment. Mr. Speaker, what is the amount named in the bill?

The SPEAKER. That is not a parliamentary inquiry.

Mr. PAYSON. As I understand the reading of the bill it allows only \$135 for this horse. The report says that the horse was worth \$200. The characteristic modesty of the gentleman from Indiana [laughter] has impelled him to ask the House to allow too small a sum. I propose now to move an amendment so as to give this distinguished citizen of Indiana the full value of his property which the Government took. The sum ought to be \$200.

Mr. CUTCHEON. That is a bad precedent.

Mr. HOLMAN. I think the bill is for \$200.

The SPEAKER. The Clerk will again read the bill, as there seems to be some misunderstanding.

The bill was again read.

Mr. WILLIAMS, of Ohio. I insist on my amendment cutting down the price to \$150. This is all we paid during the war.

Mr. HOLMAN. I wish to say, Mr. Speaker, that I do not know about the value of this horse. If my friend does, of course he will insist on his amendment. [Laughter.]

Mr. WILLIAMS, of Ohio. On account of the modesty of my friend I withdraw the amendment.

A MEMBER. "Modesty" is good. [Laughter.]

Mr. PAYNE. I object to so much talk about an unknown quantity.

Mr. BRECKINRIDGE. Mr. Speaker, permit me to say a word in connection with this matter. There is no proof in this case that this horse was taken by order of any officer of the Government, or not taken simply by a soldier of the United States for his own private purposes. I take it for granted, however, that it was necessary and it was taken during what was known as "the Morgan raid."

But the rule universally adopted in the House in regard to all claims of this character originating south of the Ohio River has been to require proof that the horse was taken by order of an officer of the United States legally authorized to issue such an order.

In the district that I have the honor to represent, close to the city of Louisville, in the county of Oldham, a number of horses were taken by officers of the United States Army during the invasion of Kentucky by General Bragg. It was absolutely necessary for the safety and protection of the city of Louisville that this should be done. They were taken from persons of undoubted loyalty to the Government, some of whom had sons serving in the Federal Army. I have been totally unable, and my predecessors, Mr. Beck and Mr. BLACKBURN, have also been unable to secure pay for any of them, although in the last Congress I obtained a favorable report in relation to certain of the claims.

Now, I do not intend to object to this bill called up by the gentleman from Indiana, for I have no doubt that General Hobson's troops, in following the march of Morgan, had occasion to furnish themselves with horses all along the line of the march; and having served in the cavalry myself I know as a matter of fact how often it happens that the safety of a movement or its success may depend on the immediate change of horses by either the pursuing or the retreating party. But I refer to this matter for the purpose of illustrating the difference in the rule adopted by the House of Representatives in the adjudication of claims made by persons living north of the Ohio River and those claims presented by persons living south of the Ohio River. And I wish to call attention to the great injustice that is done in this particular.

No man in the State of Indiana could afford to have been openly disloyal during the war. He was obliged to be openly loyal whatever might have been his secret feelings. Where those gentlemen on the south of the Ohio River were loyal, it was sometimes at great personal risk and frequently great personal danger. So that the rule the House adopts gives to the man who by his locality was compelled to be loyal an advantage over the man who by his locality was at great peril, and who was probably heroically, unselfishly loyal. I want to take advantage of this opportunity simply to put on record this evidence as to the difference between the mode in which persons are treated north and south of the Ohio River with regard to the presentation of such claims.

And if the gentleman from Indiana will permit me to say, this result, in large part, was brought about by the personal influence of that gentleman himself, for he has largely been the cause of the adopting of these harsh rules that have been applied to what are known as "Southern claims;" and therefore, while I do not oppose the gentleman's claim and shall not object to his request, I figuratively adopt the scriptural rule and "heap coals of fire on his head" [laughter] by facilitating the passage of the measure, hoping the Lord will give him a measure of compassion, in case some similar claim south of the Ohio River is brought up hereafter, and which claim would have been successful in this or some past Congress if it had not been for the persistent resistance of the gentleman from Indiana. [Laughter.]

Mr. HOLMAN. Mr. Speaker, I do not wish to impair the beauty of my friend's eloquent speech by adding any remarks—only to say that I believe this to be a just claim. The Committee on Claims say so. The honorable gentleman from Iowa [Mr. DOLLIVER] who reports it believes it to be a proper claim. But if any gentleman thinks it is not a proper claim I shall certainly ask to withdraw it.

Mr. CUTCHEON. Let me ask the gentleman, is there proof that this horse was taken by order of an officer of the United States Army competent to issue such an order?

Mr. OWENS, of Ohio. If the gentleman will permit me, I can answer the question by saying that I was with the forces of General Hobson, and it did not need an order in any special case. Our men were ordered generally to get horses to pursue, and were directed to take them wherever they could be found.

Mr. CUTCHEON. The question is whether this horse was stolen for the private benefit of somebody, or was taken for the use of the Government.

Mr. HOLMAN. I lived near the line of the march pursued by General Morgan, and I know that the forces of General Hobson in pursuit took horses on all sides. They passed through the country in a rapid march and took horses wherever and whenever they were needed. It would be impossible in each particular case to obtain evidence of an order from the officer in command; sometimes the horses were taken on one side of the line of march and sometimes on the other.

But this bill is exactly in the form in which hundreds and hundreds of such bills have been passed in the last twenty years.

Mr. BRECKINRIDGE. But the difference between this bill and the other bills to which I referred a few moments ago is not in its form. The bill is exactly in the same form as the other bills, but the proof is different. That is where the distinction comes in. [Laughter.] There is no proof that the horse was taken by order of an officer of the United States. Everybody who served in the cavalry knows the importance of fresh horses at times, and generally they are needed at a time and under circumstances when it is not possible to secure an order.

Mr. HOLMAN. If I was not satisfied, Mr. Speaker, that this was a just claim I would insist upon withdrawing it. I would not consent to its being presented even for the unanimous consent of the House.

As a matter of fact it is well known that Indiana appointed a commission to investigate the question of property taken by both armies, the Confederate and Federal, shortly after this raid took place. They went along the line of march and ascertained what was done, what property was taken by each army, and made their report to the State authorities of Indiana. This claim was reported amongst them, as I understand. Of course none of the horses taken by the Confederate army have been paid for. The others have been, in the main, already paid for. This instance, however, is one where the payment has not been made. The claims for property taken by the Union forces amounted to about \$350,000. I will state again that this bill is founded upon the report made by the commission, as I understand.

Mr. CUTCHEON. I desire to put on record a word in regard to this class of claims. If this horse was taken by competent authority for the benefit of the United States it ought to be paid for. The horse is not a large horse and the claim is not a large claim, but sometimes small precedents like this grow into monstrous ones; and if the horse was simply taken without right or authority by some private individual even in the Union Army, it may set an example to draw out from the Treasury millions upon millions and tens of millions in payment of similar war claims.

The rule of law is clear and well established. The ravages of war are not to be compensated, but when the Government takes and converts to its own use the private property of a citizen it should compensate him. I take the gentleman's statement that this has been examined by a commission of his State and that they have found that this horse was taken and converted to the use of the Government.

Mr. HOLMAN. That is my recollection of the proofs.

Mr. CUTCHEON. For that reason, and for that reason alone, I shall not object.

Mr. HOLMAN. That is my understanding. [Cries of "Vote!" "Vote!"]

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HOLMAN moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

UNIFORM STANDARD FOR GRAIN.

Mr. FUNSTON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 11895) to provide for establishing a uniform standard for wheat, corn, oats, barley, and other grain, and for other purposes.

The bill was read at length for information.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ADAMS. It seems to me, Mr. Speaker, that this is too important a bill to be considered in the limited time which we have at our disposal for the purposes of debate. It may be a good bill, but it is too important to be considered under such an order.

Mr. FUNSTON. I will say that this is a bill which is of interest to all the wheat-growers of the country. With the permission of the gentleman I would like to make a statement.

Mr. ADAMS. Certainly.

Mr. FUNSTON. Under the provisions of this bill the Government can not arbitrarily fix any standard for any State or city. It simply establishes the national standard without interfering with any other standard. The object is to have a national standard that shall be uniform, so that when our wheat is sold abroad it may be sold by a certain fixed standard, providing that those who purchase agree to buy according to that standard. So that when they buy our grain in Europe they may be sure of getting a certain grade; also, that when we buy in any city we may know exactly what we are getting. At the present time there is no regular standard throughout the whole country.

When we buy a certain grade of wheat in North Dakota and it is received in Chicago it may have been adulterated with other grain, so that it is not the same standard as that which was sold in North Dakota. So it is in every State of the Union. Now, the only purpose of this bill is to establish a national standard so that when any one purchases grain he will know precisely what he is getting, provided he purchases by the national standard.

Mr. ADAMS. But it is impossible, in the few minutes which can be given to the consideration of any one bill at the present time, to debate this measure thoroughly.

Mr. FUNSTON. I will ask the gentleman to allow the report to be read.

Mr. MOREY. Let the bill be considered, and considered subject to objection.

Mr. CANNON. Let it be considered. Let it at least come up for consideration.

Mr. ADAMS. I have no objection to that, but gentlemen around me wish to call up bills that do not need any extended discussion.

Mr. CANNON. Let us take a little time and consider this; for I am under the impression, and have been, that no more important bill to the people, especially the farmers, has been presented in the House, and it does no harm to the grain dealers.

Mr. ADAMS. My colleague is aware that we have a State system, regulated by State law, in Illinois.

Mr. CANNON. This does not interfere with that.

Mr. ADAMS. I will not object to the consideration of the bill, but will reserve the right to object afterward.

Mr. HOOKER. While we are talking about it we may as well let it be considered.

Mr. TAYLOR, of Illinois. I shall object. I do not enter an objection to the consideration of the bill, but I want to have the privilege of entering an objection against the bill.

Mr. CANNON. That is all right.

Mr. FUNSTON. Now I desire to have the report read.

Mr. TAYLOR, of Illinois. It is evident that this bill will take considerable time. I think I must insist on my objection. I object now.

Mr. CANNON. It is evident that there is not a quorum here. It might take a half an hour to get one, and possibly one could not be got at all. But I think if this bill is discussed the objections of my colleague [Mr. TAYLOR] will be removed.

Mr. TAYLOR, of Illinois. It will be too late to object then.

Mr. FUNSTON. This bill does not interfere with your system in Chicago or Illinois.

Mr. TAYLOR, of Illinois. Illinois has a standard now. If this bill passes, are we not liable to have two systems in conflict?

Mr. FUNSTON. No, sir.

Mr. TAYLOR, of Illinois. Why not?

Mr. FUNSTON. It does not interfere with your system.

Mr. TAYLOR, of Illinois. Why not?

Mr. FUNSTON. Because it does not. Under this bill the Government simply establishes a standard—

Mr. TAYLOR, of Illinois. But we have a system in Illinois now. Suppose the Government establishes one. Then will we not have two?

Mr. FUNSTON. There will be a Government standard, but you do not have to sell by the Government standard.

Mr. TAYLOR, of Illinois. Mr. Speaker, I object.

Mr. FUNSTON. The gentleman is too late. He did not file his objection at the proper time.

Mr. PAYSON. Mr. Speaker—

The SPEAKER. The gentleman from Illinois has a public bill.

Mr. MOREY. I think it would do no harm at least to allow the bill presented by the gentleman from Kansas [Mr. FUNSTON] to be considered.

Mr. CANNON. It is evident that there is no quorum present; there has not been a quorum here all day, and will be none during the balance of this session. I think my friend can safely withdraw his objection and let this bill be considered. I believe if it was considered the objection in his mind would be removed.

Mr. ADAMS. But it will take three hours to consider it.

Mr. WADE. If you do not allow this bill to be considered, I will object to every other bill that is called up.

Mr. HOOKER. But we have not time at this stage of the session to go into any long discussion.

Mr. MOREY. Gentlemen ought to at least allow the farmers to have a hearing on the bill, affecting, as it does, the great interest in which they are engaged.

The fears of the gentlemen are not well founded. The provisions of this bill are not restrictive of the utmost freedom in commercial intercourse, and in my opinion they are of incalculable benefit to the farmers of our country. No more important measure, in my judgment, has engaged the attention of this Congress.

I trust that gentlemen will not insist on their objection and thereby send the bill over to the next December session. I have taken deep interest in this question and have sought in every way to secure to the agricultural industry the benefits of this measure. Why should not the products of the farm, the wheat, corn, and oats grown by our farmers, have a standard made by the authority of the United States, a standard which would give our products a better character and reputation in all the markets of the world? While this subject was before the Committee on Agriculture I had the honor to appear before that committee on August 18, 1890, and to make an argument in favor of such legislation and urging the committee to bring in a bill embodying such legislation.

The Committee on Agriculture did me the honor to order my argument printed, and I here incorporate it in my remarks:

ARGUMENT OF HON. HENRY J. MOREY, OF OHIO, BEFORE THE COMMITTEE ON AGRICULTURE AUGUST 18, 1890, IN FAVOR OF A NATIONAL STANDARD CLASSIFICATION AND GRADING AMERICAN GRAINS.

Mr. Chairman, I am indebted to the courtesy of this committee for an opportunity of directing attention to what I conceive to be one of the most important questions that can engage the attention of the American Congress.

The resources of our country may be grouped in three great divisions—agriculture, manufactures, and commerce. Through these agencies are produced and distributed the food and clothing which are indispensable necessities of human life.

The prosperity and welfare of the whole people depend on the preservation and development of these industries, commensurate with the needs of the people.

And so far as legislation can affect their condition in any respect it is the part of wisdom and patriotism to enlarge the opportunities of the people, and to make them more secure in the legitimate fruits of their labor.

This is true of all the great industries by which the world's supply of the necessities and comforts of life is produced and distributed.

And this is especially true of agriculture, on account of the vast importance as well as on account of the conditions under which this industry is necessarily carried on.

The prosperity of the whole people is affected by and dependent upon the prosperity of each class; hence, no industry should be permitted to languish for want of any legislative aid which can fairly be extended without encroaching upon the rights of any other industry, with a view of each industry attaining the best development which it might attain under conditions which fairly belong to it.

It is the great office of the farmer to furnish the food supply of the world. How can we best enable the American farmer to supply our people? Upon what conditions can the consumer get the best bread and the farmer the most certain and adequate reward for his labor and his toil? Many panaceas are offered; all kinds of chimerical schemes are invented and presented to the farmer as a cure for all the ills he has fallen heir to.

But, Mr. Chairman, in my opinion, one of the most beneficent things that Congress can do for the farmer will be to enact legislation such as will tend to elevate the standard of the products of the soil; such as will encourage the raising of better wheat, corn, and oats, and will protect the same from being adulterated and degraded before it reaches those who buy it for bread. If Congress by a law help to bring about this beneficent result, it will secure purer food to the people, which is their right, and to the farmer a surer and better reward for his labor, which is his due.

From the nature of his occupation, the farmer is isolated and somewhat removed from his fellows, each operating independently.

The product of his farm is in each case limited in quantity and forms the smallest part of the aggregate production, and it only becomes commercially a part of that aggregate after it passes from his possession into the hands of the middlemen.

Here the good and the bad, the clean and the filthy, the sound and the unsound grain are assembled together, and the result is that local and speculative interests deteriorate and degrade the products of our American farms, with injury to both consumer and producer.

Thoughtful and experienced men have given this subject long, patient, and patriotic consideration, and the result of the best thought is that a national standard of classification and grading wheat and other grain is the best means of further improving the quality of our food product, and the best protection of those who raise pure grain of good quality and market the same in good condition against deterioration by mingling therewith grain of inferior quality under inspections and classifications which are controlled by local and speculative interests rather than by the interests of those who produce food, and should be permitted to market the same in its purest and best condition, and thereby secure the best rewards of their labor or the interests of those who consume the same and are entitled to the purest and best food the earth can produce.

This idea has been formulated in a number of bills now pending before this committee, and, without appearing as the advocate of any particular bill, I am here to contend for the principle involving the interest of a great industry on whose best development the prosperity of all others depends.

I most respectfully submit that, in my judgment, the provisions of any such law should apply to interstate commerce, and so be within the constitutional power of Congress "to regulate commerce among the several States."

It should make it the duty of the Secretary of Agriculture to provide the standard, and to determine and fix the classification and grading of wheat, corn, rye, oats, and barley. The same should be made a matter of permanent record in the Agricultural Department, and public notice thereof should be given, and the same should be known as the "national standard," or "American standard."

This record should be open to everybody, so that any person could have a copy thereof for merely a nominal fee.

Every farmer in the land should be able to know from public notice the classification and grade of the crop which he has raised, according to the highest standard in the land, the standard of the United States.

If he desires, he should for a nominal sum have an official exemplification of the same in his own house.

The tendency of such a law will be to give a higher standard to the cereals

of our country, to give permanency and stability to grades and classifications of the same, and eventually to give better credit and reputation to American grains at home and abroad.

The standard of commercial honesty in the handling of food products will be elevated; the commercial value of farm products will be more uniform and certain, and so agriculture will become more secure in its proper place among the great industries, and in the just rewards which should recompense all honest labor.

Mr. Hartley B. Mitchell, one of the publishers of *The American Elevator and Grain Trade*, and *The American Miller*, a man of full information, says:

"I believe millers, grain men, and farmers will indorse such a measure. For myself, I believe it is the most important piece of legislation undertaken this session."

Mr. L. L. Polk, president of the National Farmers' Alliance and Industrial Union, says:

"It seems to me that a standard for grain is as important as a standard for money. The grain producers of the country should and must have protection in this vitally important matter, and any legislation by Congress for securing it will be gratefully accepted by our grain-growers as an act of simple justice."

I desire here to read a letter from Mr. S. K. Marston, secretary and arbitrator of the Illinois Grain Merchants' Association, an authority on this question, whose name will inspire confidence wherever spoken. The letter is addressed to Mr. Mitchell, from whom I have just quoted, and sets forth in a striking manner the way the farmer's interest is made to suffer under the present system, and the benefits to the farmer which may reasonably be expected to follow the establishment of a national standard, classification, and grade for grains.

[Office of Illinois Grain Merchants' Association, S. K. Marston, secretary and arbitrator.]

ONARGA, ILL., June 25, 1890.

DEAR SIR: I have been engaged for over twenty years in purchasing and shipping grain. Six years ago I gave up the business and put my means into farms. My permanent interests lie in the line of farming and the value of farm products.

A long experience in business, an extensive acquaintance among grain men, having the leisure to attend to it, and the confidence of the trade are the probable reasons why the grain men have kept me as their representative during the last five years, but the office is incidental—may terminate at any time—while, as a producer, my interests are permanently in the line of just, equitable, and regular inspection of grain.

The true basis of grades, in my judgment, is about as follows:

Good husbandry, care in selecting seed, harvesting, cleaning, and caring for crops should produce No. 1 grain.

The No. 2 grade should include the bulk of the crop when reasonably sound, plump, and clean, and will make sound breadstuffs. I refer to wheat, corn, and oats.

No. 3 should include good, sound grain that will make sound flour or meal, but not up to a fair standard of weight, because lighter grain will yield smaller per cent. of flour or meal and not worth quite as much to manufacture or for feeding purposes.

All damaged or unsound or very dirty grain should not be graded, but sold by sample.

I think that good milling wheat should be divided into four grades: No. 1, pure, unmixed, extra quality, suitable for seed, and Nos. 2, 3, and 4, according to its value for flour. There may be a difference of 20 per cent. in the quantity of good merchantable flour that 60 pounds of two different samples of wheat will make, and weight per measured bushel should be the standard of value—hence of grades. Sixty-pound wheat will yield more flour per 60 pounds than 55, 56, or 54 pound grain.

The grain grown in the Western States reaches all the markets of the world, and there should be some general standard of grading.

The local markets of the West have widely different standards, as also have Boston, New York, Philadelphia, and Baltimore.

Chicago, the greatest receiving market of the world, is governed by influences that must, in the very nature of things, result injuriously to the producer.

While the volume of actual grain which passes through that city is beyond conception of ordinary minds, yet the receivers and shippers of actual grain form but a very small per cent. of the membership of the Chicago Board of Trade. Probably 90 per cent. of the members never receive a car of grain, and even the receiving houses derive but a small portion of their revenue from commissions on actual grain received. It is estimated that less than 1 per cent. of the transactions on the board are for actual grain, and that portion of the business is simply incidental. The great interest centers in the speculating and gambling trading, and the legislation of the board is controlled entirely by that element.

Years ago the State of Illinois took the matter of inspection under its control, but the influence of the board overshadows the entire business and must inevitably exert an overpowering influence over the inspectors.

There are several classes of dealers who are interested in influencing inspection.

The gamblers in options desire that the standard of the speculative grade should be high; that the quantity of that grade should be limited, that they may the more easily control it.

The manufacturing element (millers) desire that said standard be high, that they may buy good merchantable wheat as of a lower grade and consequently at lower prices.

The exporter desires to buy lower grades that will grade higher in the consumption markets.

These all work in harmony to influence inspection, establishing a standard so high that it would appear that American grain is of a very inferior quality as a rule.

Chicago No. 2 wheat is purchased and mixed with the inferior grades and exported as No. 2. No. 3 wheat is exported as No. 2, and the bulk of the wheat bought by millers on the Chicago market for their home trade and for export is the No. 3 grade, being good, sound milling wheat, and such as ought to grade No. 2 and would in the markets of the world.

It must be evident that there should be some fixed standard for American grades. Our grain goes to every market of the world. The intelligent farmer should be able to understand what that standard is, so that he may not suffer from misrepresentations of dishonest dealers, and the intelligent dealer should be able to decide what grade the grain is that he buys or sells. A universal standard could not possibly injure any one, and would surely eliminate many dishonest practices that now infect the entire trade, and of which the farmer is generally the victim.

I do not believe in too much paternal coddling by the Government. Every lad should learn to stand on his own feet and paddle his own canoe, but the farmers are scattered, isolated, and utterly helpless in this matter; and it seems to me that it is clearly the duty of the Government to take charge of it. The country grain merchants desire a just, equitable, universal standard of grading. The standard of grades of grain should be the same in every market in the United States, and the Government alone has the power to make it so.

Yours truly,

S. K. MARSTON.

H. B. MITCHELL, Esq.

I will also read here a letter from O. B. Potter, of New York, formerly a member of the House, a man of wide information, of long experience, and a man of

affairs, whose judgment on great economic questions is broad, comprehensive, and patriotic:

POTTER BUILDING, NEW YORK CITY, August 8, 1890.

DEAR SIR: I am informed that you have taken an interest in the bill for providing a national standard for grain for the purposes of interstate and foreign commerce. I have given considerable reflection for a long time to the subject embraced in this bill, and I have no hesitation in saying that its passage will be a first and most important step in bringing the grain products of the country within the reach of commerce, both domestic and foreign, free from the hindrances and obstruction which now arise from uncertainty as to the quality and condition of the grains produced in different States and portions of the country, so that purchasers, not only throughout the whole country, but in all the markets of the world where American grain products are dealt in, can be assured upon the highest authority of the quality and condition of the grains dealt in in any of these markets. The establishment of such a national standard as is proposed by this bill will enable buyers throughout the country and throughout the world to deal in American grains with certainty of assurance as to their quality, an assurance which can be provided in no other way than by a national standard.

The establishment of such a standard will therefore tend powerfully to promote and increase commerce throughout the world in American grain products. Such a standard will also tend to promote the best culture and the best care of grain in the several States and localities throughout the country. A healthy rivalry will spring up between different sections of the country, each endeavoring to make its grain products as valuable and of as high a standard as possible; and thus the ultimate effect of such a standard will be greatly to increase the value of the grain products of the country. Such a standard will tend to secure another most important object of national importance affecting the health and welfare of the masses of our people, namely, the prevention of the adulteration and degrading of grain products to the injury and loss of consumers throughout the country who embrace our whole population.

This bill seems to me to embrace all that should be done by the first step, namely, the providing of a national standard. What legislation will be required afterwards in providing for national inspection may well be left to be considered after everybody shall become familiar with the vast importance of such a standard and of having it so administered as to secure that the grains of the country may be dealt in in all the markets of the world with the assurance that the standard expresses the true condition and character of these products. This bill, while it does not in the slightest degree impinge upon the rights of the States or the freedom of the people of the States, provides to every agriculturist in the country, in whatever State, an opportunity to have his products presented and sold or dealt in in the markets of the world with the assurance as to their quality and character which a national standard will afford him. It provides also to every citizen of the country the means of knowing the character of the grain which he shall purchase throughout the whole boundaries of the nation.

In my judgment any provisions added in this bill upon the subject of enforced national inspection would be premature. These should be considered after the standard is provided, and there can be no doubt that good men of both parties and all parties will unite in providing for such an inspection as the interests of the country shall require in order that these great products may be known and dealt in, at least through our interstate commerce and foreign commerce, according to the truth, and not be longer subjects of misrepresentation, adulteration, deterioration, and fraud.

Very truly yours,

O. B. POTTER.

HON. H. L. MOREY,
House of Representatives, Washington, D. C.

Mr. Chairman, I thank you and your committee for the courtesy of this hearing.

I solicit your most earnest and careful consideration of this most important question, and I trust you will see your way clear to favorably report a bill embracing this idea and providing for a national standard of American grains, and thereby give to the products of the American farm a new standard and dignity in the markets of the world at home and abroad, that thereby the people may have better bread and the tillers of the soil a better recompense for their toil.

Afterwards, on August 29, 1890, the chairman, the Hon. Mr. FURSTON, reported the bill which has been presented this morning. I will insert the bill here, as follows:

Be it enacted, etc., That the Secretary of Agriculture be, and he is hereby, authorized and required, as soon as may be after the enactment hereof, to establish a standard for classifying and grading grains, and according to such standard to determine and fix such classification and grading of wheat, corn, rye, oats, and other grains as the usages of trade warrant and permit, and the standard classification and grades shall be such as in his judgment will best serve the interest of the public in the conduct of interstate and foreign trade and commerce in grain.

SEC. 2. That such standard and classification and grades shall be made matter of permanent record in the Agricultural Department, and public notice thereof shall be given in such manner as the Secretary shall direct, and thereafter the same shall be known as the United States standard. All persons interested shall have access to said record; and on payment of such proper charge as the Secretary may fix, a certified copy thereof shall be supplied to those who may apply for the same.

SEC. 3. That from and after thirty days after such standard has been established and such classifications and grades have been determined upon and fixed and duly placed on record as herein provided, such classification and grading shall be taken and held to be the standard in all interstate and foreign trade and commerce in grain, in all cases where no other standard or grade is agreed upon.

Mr. Speaker, the objection of one member is sufficient to prevent consideration of this bill at this time, but it can not be permanently postponed and defeated. It will be here on the Calendar of this House, and here it will remain until enacted into law. The interests of the food-growers and food-raisers are greater than the interests of those who make them the subject of traffic and speculation. I hope gentlemen will withdraw objection and let the bill be now considered and an opportunity be given to extend to our people one of the most beneficent measures that has ever been proposed in the interest of the people.

Mr. TAYLOR, of Illinois. I insist on my objection.

The SPEAKER. Objection is made.

YOSEMITE NATIONAL PARK.

Mr. PAYSON. I ask unanimous consent for the present consideration of the substitute which I send to the desk for the bill (H. R. 8350) to establish the Yosemite National Park in the State of California.

The substitute was read, as follows:

A bill to set apart a certain tract of land in the State of California as a forest reservation.

Be it enacted, etc., That the tracts of land in the State of California known and described as follows: Commencing at the northwest corner of township 2 north, range 19 east, Mount Diablo meridian, thence eastwardly on the line between townships 2 and 3 north, ranges 24 and 25 east; thence southwardly on the line between ranges 24 and 25 east to the Mount Diablo base line; thence eastwardly on said base line to the corner to township 1 south, ranges 25 and 26 east; thence southwardly on the line between ranges 25 and 26 east to the southeast corner of township 2 south, range 23 east; thence eastwardly on the line between townships 2 and 3 south, range 26 east to the corner to townships 2 and 3 south, ranges 26 and 27 east; thence southwardly on the line between ranges 26 and 27 east to the first standard parallel south; thence westwardly on the first standard parallel south to the southwest corner of township 4 south, range 19 east; thence northwardly on the line between ranges 18 and 19 east to the northwest corner of township 2 south, range 19 east; thence westerly on the line between townships 1 and 2 south to the southwest corner of township 1 south, range 19 east; thence northwesterly on the line between ranges 18 and 19 east to the northwest corner of township 2 north, range 19 east, the place of beginning, are hereby reserved and withdrawn from settlement, occupancy, or sale, under the laws of the United States, and set apart as reserved forest lands; and all persons who shall locate or settle upon or occupy the same or any part thereof, except as hereinafter provided, shall be considered trespassers and removed therefrom: *Provided, however,* That nothing in this act shall be construed as in any wise affecting the grant of lands made to the State of California by virtue of the act entitled "An act authorizing a grant to the State of California of the Yosemite Valley, and of the land embracing the Mariposa big-tree grove, approved June 3, 1864," or as affecting any bona fide entry of land made within the limits above described under any law of the United States prior to the approval of this act.

SEC. 2. That said reservation shall be under the exclusive control of the Secretary of the Interior, whose duty it shall be, as soon as practicable, to make and publish such rules and regulations as he may deem necessary or proper for the care and management of the same. Such regulations shall provide for the preservation from injury of all timber, mineral deposits, natural curiosities, or wonders within said reservation, and their retention in their natural condition. The Secretary may, in his discretion, grant leases for building purposes for terms not exceeding ten years of small parcels of ground not exceeding 5 acres, at such places in said reservation as shall require the erection of buildings for the accommodation of visitors; all of the proceeds of said leases and other revenues that may be derived from any source connected with said reservation to be expended under his direction in the management of the same and the construction of roads and paths therein. He shall provide against the wanton destruction of the fish and game found within said reservation, and against their capture or destruction for the purposes of merchandises or profit. He shall also cause all persons trespassing upon the same after the passage of this act to be removed therefrom, and, generally, shall be authorized to take all such measures as shall be necessary or proper to fully carry out the objects and purposes of this act.

SEC. 3. There shall also be, and is hereby, reserved and withdrawn from settlement, occupancy, or sale, under the laws of the United States, and shall be set apart as reserved forest lands, as heretofore provided, and subject to all the limitations and provisions herein contained, the following additional lands, to wit: Township 17 south, range 30 east of the Mount Diablo meridian, excepting sections 31, 32, 33, and 34 of said township included in a previous bill. And there is also reserved and withdrawn from settlement, occupancy, or sale under the laws of the United States, and set apart as forest lands subject to like limitations, conditions, and provisions, all of townships 15 and 16 south of ranges 29 and 30 east of the Mount Diablo meridian. And there is also hereby reserved and withdrawn from settlement, occupancy, or sale under the laws of the United States, and set apart as reserved forest lands under like limitations, restrictions, and provisions, sections 5 and 6 in township 14 south, range 28 east of Mount Diablo meridian, and also sections 31 and 32 of township 13 south, range 28 east of the same meridian.

Nothing in this act shall authorize rules or contracts touching the protection and improvement of said reservations beyond the sums that may be received by the Secretary of the Interior under the foregoing provisions, or authorize any charge against the Treasury of the United States.

During the reading of the bill,

Mr. HOOKER. I hope that the gentleman who introduced this substitute will see at once that it is going to excite controversy, debate, and discussion that can not fail to take time.

Mr. PAYSON. It will not provoke a minute's discussion after a statement is made.

Mr. WILLIAMS, of Ohio. There is evidently a purpose to object to it.

Mr. PAYSON. I have not heard any as yet, and I hope the Clerk will proceed with the reading.

The reading of the substitute was resumed and concluded.

The SPEAKER. Is there objection to the present consideration of the substitute? The Chair hears none.

The substitute was adopted.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. PAYSON. I ask unanimous consent to print in the RECORD with this bill the report of the committee, which is rather interesting reading, as we think, with reference to the matter.

There was no objection, and it was so ordered.

The report (by Mr. PAYSON) is as follows:

The Committee on Public Lands, to whom was referred the bill (H. R. 8850) to establish a national park in the State of California in that region of country in and around Yosemite Valley, having had the same under consideration, respectfully report a substitute for the same and recommend that the bill pass.

The bill under consideration established as a national park the portion of public lands lying within the described boundaries, containing therein "primeval forests, great valleys, and inaccessible heights, the walls of which vary from 2,000 to 5,000 feet, and from the highest points of which the plummet will swing clear of the base."

There is within these boundaries a river, the Merced, "sometimes a gentle stream, and sometimes a wild and uncontrollable mountain torrent, in one place leaping a perpendicular height of 2,500 feet." It contains within its boundaries the Mariposa big-tree grove, "a primeval forest, dense undergrowth of shrubs, oak, pine, willow, alder, dog-wood, cotton wood, aspens, and ferns, while flowering shrubs grow in a tangled wilderness, in many places an impenetrable jungle; in many places hiding the natural beauty of rocks and waterfalls of

Mirror Lake and sparkling streams." The valley is described by the thousands who have seen it as truly "magnificent." "Grass-clad valleys, ornamented with ferns and bright flowers, cascades with rainbow colors adorning the mist which floats about it; rocks, some rising as high as 3,000 feet."

Indeed, says a tourist, "No description can convey a clear idea of the great variety of scenery in the valley." The wonders and beauties to be found within the region described in the boundaries are so well known and so highly appreciated by the multitudes of tourists who have visited it that further description is unnecessary. The preservation by the Government in all its original beauty of a region like this seems to the committee to be a duty to the present and to future generations. The rapid increase of population and the resulting destruction of natural objects make it incumbent on the Government in so far as may be to preserve the wonders and beauties of our country from injury and destruction, in order that they may afford pleasure as well as instruction to the people.

The area of lands included within the described boundaries is about 2,096,540 acres. Of this amount there are claims derived from patents, entries, etc., amounting to 134,400 acres, leaving as public property of the United States 1,962,140 acres.

This estimate is not intended to be exact, but only an approximate one, as to make an exact statement would require more time and labor than is deemed necessary. It is not proposed in any manner to interfere with the rights of settlers or claimants or with any part of the tract heretofore in any manner disposed of.

The committee therefore recommend the passage of the bill.

D. M. WINN.

Mr. LANHAM. I ask unanimous consent for the present consideration of the bill (H. R. 3537) for the relief of D. M. Winn.

The bill was read at length for information.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CANNON. I would be glad to understand the bill before unanimous consent is given—upon what ground that bill should be passed.

Mr. LANHAM. Well, sir, I can state the grounds I think to the satisfaction of the gentleman from Illinois. The assistant postmaster or deputy of the claimant for whom the bill has been introduced forged his name—that is, the name of the principal—upon a requisition on the Auditor of the Treasury for the Post-Office Department requesting a credit with some first-class post-office to meet the payments of money-orders at Haskell, Tex., and obtained in consequence a remittance of certain drafts upon the postmaster of New York. This party, the assistant, forged the name of the postmaster and obtained \$1.00 of the money. There were in all some \$2,000 remitted, and this assistant got \$1.00 thereof and then fled the country.

Mr. CANNON. From whom did he obtain it?

Mr. LANHAM. He obtained it, as I have just said, from the Auditor of the Treasury for the Post-Office Department.

Mr. CANNON. Very well; the Post-Office is not bound at all.

Mr. LANHAM. The point I am making is that the postmaster, or claimant, ought not to be bound in consequence of this forgery.

Mr. CANNON. If this man forged the postmaster's signature the postmaster ought not to be held responsible; for no man ought to be held responsible for the forgery of his name. He does not need any relief.

Mr. LANHAM. Oh, yes, he is entitled to it. Suppose a man forged your name on a check on your bank, and collected the money. Are you to be held responsible for the forgery?

Mr. CANNON. Well, I can not see how this postmaster is bound at all.

Mr. LANHAM. He is required to pay this amount, and has paid it to the Post-Office Department.

Mr. CANNON. If he voluntarily pays it to the Post-Office Department—

Mr. LANHAM. He does not pay it voluntarily, as the gentleman will see if he will hear the report read.

Mr. CANNON. I will hear the reading of the report.

Mr. LANHAM. Then I ask for the reading of the report.

The report was read, as follows:

The Committee on Claims, to whom was referred House bill 7537, for the relief of D. M. Winn, have considered the same and report it to the House with the recommendation that it do pass.

The claimant, D. M. Winn, was postmaster at Haskell, Tex., in 1888, and had an assistant, one A. M. Winn, who, on November 14, 1888, without the knowledge or consent of the claimant, and wrongfully signing and forging claimant's name, applied to the Auditor of the Treasury for the Post-Office Department, requesting to be allowed a credit of \$2,500 with some first-class post-office to meet the payments of money-orders.

As shown by the report of the inspector, it appears that on this request the Superintendent of the Money-Order System sent three drafts on the postmaster at New York, respectively, for the sums of \$800, \$700, and \$500, to be filled out, dated, signed, and negotiated by the postmaster at Haskell, Tex., the funds received therefrom to be used in paying money-orders at Haskell, Tex. These drafts were inclosed in a letter addressed to the postmaster at Haskell, and registered at Washington, D. C., November 22, 1888. When this letter reached Haskell, Tex., it fell into the hands of A. M. Winn, assistant postmaster, and he, without the knowledge of the postmaster, opened this letter and dated, filled out, and forged the name of D. M. Winn to the three drafts and mailed them to the First National Bank at Abilene, Tex., with request to cash the drafts and send money by registered letter to the postmaster at Haskell, Tex. The drafts, being improperly indorsed, were returned by the bank to be properly indorsed. This letter fell into the hands of the assistant postmaster without the knowledge of the postmaster.

The assistant postmaster then indorsed the drafts as indicated by the bank, forged the name of D. M. Winn thereto, and sent same back to said bank to be cashed. The said bank then cashed the drafts and sent by registered letter, as a first installment of the payments, \$300, addressed to the postmaster at Haskell, Tex. This letter reached Haskell on Saturday night and fell into the hands of A. M. Winn, assistant postmaster, who appropriated the contents to his own use and on Monday morning left for parts unknown. The remainder of the

money, less \$5 for exchange, reached the postmaster, D. M. Winn, after the flight of his assistant, and has, with the \$500 stolen by his assistant, been by him accounted for to the Government.

The Inspector further says that from all the correspondence in the case and all the circumstances connected with it, it appears evident to him that D. M. Winn, postmaster, was not in any way implicated in the forgery and had no knowledge of the dishonesty of his assistant prior to the forgery.

There is an extensive correspondence on the subject furnished by the Post-Office Department, which the committee have had before them, but the above, it is believed, is a sufficient statement for the purpose of this report. The committee are of the opinion that in view of all the facts it would be harsh upon the claimant to force him to sustain this loss, the result of fraud and forgery in which he was not connected in any culpable way, and therefore recommend that he be relieved by the passage of the accompanying bill.

Mr. CANNON. Now, Mr. Speaker, I must object to this for this reason—

Mr. LANHAM. Are you going to object to the consideration of the bill?

Mr. CANNON. I object to the consideration and the passage of the bill, for I am satisfied that no quorum would pass a bill of this kind.

Mr. LANHAM. If you propose to object, let it be done at once.

Mr. CANNON. Certainly, I propose to object. Nothing less than a quorum can pass a bill of this kind.

The SPEAKER. Objection is made.

STEAM FOG-SIGNAL AT LUDINGTON LIGHT STATION, MICHIGAN.

Mr. CUTCHEON. Mr. Speaker, I ask for the present consideration of the bill (H. R. 3371) for the establishment of a steam fog-signal at Ludington light station, Michigan.

The bill was read at length for information.

The SPEAKER. Is there objection to the consideration of this bill?

Mr. WADE. I object.

ORDER OF BUSINESS.

Mr. WILLIAMS, of Ohio. I move that the House do now adjourn. It is very evident that no bill is going to be passed here to-day.

The question was taken; and the Speaker announced that the yeas seemed to have it.

Mr. WILLIAMS, of Ohio. Division.

The House divided; and there were—ayes 20, yeas 57.

So the House refused to adjourn.

Mr. WADE. Mr. Speaker, may I be recognized for a moment? I objected to the consideration of that bill. I did it for the purpose of getting consideration of the bill called up by the chairman of the Committee on Agriculture. One of the reasons given for objecting to that bill was that it would provoke discussion and take the time of the twenty-five other gentlemen who want to pass bills.

Now, this is a bill which is general in character, one that affects the farming interests all over this Union; and it seems to me that these private bills should give way half an hour for the consideration of a measure that involves so much.

Now, I do not think I would oppose this bill, but if we could take up that bill we could get through with it with thirty minutes' consideration.

Mr. STRUBLE. What bill is that?

Mr. WADE. The bill called up by the gentleman from Kansas, the uniform standard for grain bill.

Mr. HENDERSON, of Iowa. It ought to be disposed of in ten minutes.

The SPEAKER. The gentleman from Missouri asks unanimous consent for the present consideration of the bill presented by the gentleman from Kansas. Is there objection?

Mr. TAYLOR, of Illinois. I have no objection to the consideration, but I want it understood that I shall not allow it to pass. [Laughter.]

Mr. BRECKINRIDGE. I rise to a parliamentary inquiry. Is what the gentleman from Illinois [Mr. TAYLOR] has just said technically an objection? [Laughter.]

The SPEAKER. The Chair understands, under all the circumstances, that it is not, and the matter is now before the House. The gentleman from Missouri [Mr. WADE] is recognized.

UNIFORM STANDARD FOR GRAIN.

Mr. WADE. Mr. Speaker, I call up the bill (H. R. 11895) to provide for establishing a uniform standard for wheat, corn, oats, barley, and other grains, and for other purposes.

The SPEAKER. The bill has been read to the House. Does the gentleman desire to have it read again?

Mr. WADE. No, sir.

Mr. HERMANN. Mr. Speaker, I understand that the gentleman does not propose that there shall be more than thirty minutes' debate on this bill.

Mr. WADE. That is all.

The SPEAKER. Is there objection to debate on this bill being limited to thirty minutes?

There was no objection, and it was so ordered.

Mr. WADE. I yield now to the gentleman from Kansas [Mr. FUNSTON].

Mr. FUNSTON. Mr. Speaker, there has been no intention on the part of the Committee on Agriculture or on the part of its chairman

to spring any measure upon this House that is not right and proper in every feature, nor is it my desire to spring any measure upon this body at this time which would lead to any great discussion. It was my belief that this bill would explain itself, but if not, the short report that has been made certainly will. It is a well known fact, acknowledged by all and regretted by all who deal in grain, that when grain of a fine quality is sold it is almost universally sold below its proper grade; so that when No. 1 grain is offered in the market the buyer has every inducement to grade it and purchase it at a grade lower than it actually ought to have, for the reason that when it reaches the first warehouse and goes into store with the balance of the grain there, the first thing that is done, if the grain is found to be higher in quality than it was purchased for, is to inject into it an inferior article. In this way grain bought as No. 2 will stand adulteration with a still lower grade. Thus, in the first sale the farmer does not receive for his grain the price to which he is entitled. Secondly, we desire to build up a national demand for American grain, wheat, oats, rye. When a European desires to invest in American grain, or directs such a purchase to be made, he has no assurance under the present system that he will receive the kind or quality of grain that he purchases. There are no two States in the Union, nor do I believe there are two boards of trade, that grade grain just the same. Each has a standard of its own, and when the foreigner purchases American grain he has no certainty that he will receive what is called No. 1, No. 2, or No. 3 graded as ordered. He has to take his chances. For that reason Europeans do not want to buy American wheat.

Now, there is little more that can be said for this bill. It respects every board of trade in this country. It does not interfere with the board of trade at Chicago; it does not interfere with the grading at Chicago, nor with the grading at St. Louis, nor with the grading at New York. But in any case where a purchase is made without any special place of grading being mentioned, then the grade fixed by the United States is to govern.

It has been suggested that this bill would involve the appointment of a number of inspectors. Not one. All the inspection that is to be made is to be made right here at the headquarters of the Secretary of Agriculture. He establishes a certain grade for wheat and other grains. The grain is required to weigh so much. It must also have a certain color. It must be perfectly clean, or must come up to whatever other requirements may be established, and when a purchase of grain is made, say in Dakota, and there is a dispute between the buyer and the seller, the matter may be referred to the Department of Agriculture, the Secretary will submit the grain to his inspectors, and the matter will be settled without further controversy.

This will not cost the Government a cent. It will not cost any one a cent except those who invoke the decision of the Secretary of Agriculture. Mr. Speaker, this is in close analogy with existing legislation. We have certain grades of wool fixed in the Treasury Department. I do not know but the actual article itself is kept on file there as a standard. In all the revenue departments there are regulations establishing grades for all kinds of farm products whether produced here or imported. There are grades established for sugar. There are grades established for wool. Now, all the Committee on Agriculture ask to-day is that you shall establish a grade for grain so that we may have a universal standard acknowledged all over this country in order that when a merchant or miller buys a grade of wheat he may be certain of getting it.

A MEMBER. If this bill were enacted into law, then in order for a trader to protect himself under the special standard of some particular State or locality, it would be necessary that that standard should be specified in the contract.

Mr. FUNSTON. Yes, sir. If a man desires to purchase grain by a certain grading, that of Chicago, for instance, he would have to mention it in the contract. If none were mentioned, the United States grading would apply.

Mr. KERR, of Iowa. Would not this bill make the Secretary of Agriculture a judicial officer?

Mr. FUNSTON. No, sir. It makes him an inspector to the extent that he establishes the grades.

Mr. KERR, of Iowa. Do you propose to make his judgment conclusive in matters of dispute, or simply evidence?

Mr. FUNSTON. Well, I suppose that under this bill it would be evidence.

Mr. KERR, of Iowa. There would be still the right of appeal to the courts, I suppose?

Mr. FUNSTON. No doubt about that.

Mr. PICKLER. I wish the gentleman would state how general the desire is among grain-producers for the passage of this bill.

Mr. FUNSTON. The representations in favor of it have been made principally by the heads of the various agricultural colleges, particularly throughout the West, and some farmers, not many farmers, are aware of the bill. The complaint has come from them more than from any other source.

Mr. TAYLOR, of Illinois. The gentleman has stated that the boards of trade of various cities are in favor of this bill. Has he any evidence of that?

Mr. FUNSTON. Only this, that I have consulted with persons who speak for the principal boards of trade.

Mr. TAYLOR, of Illinois. There are no petitions from any such boards?

Mr. FUNSTON. No, sir; there have been no petitions either from boards of trade or from farmers. The demand for the passage of the bill has come principally in the form of personal representations of individuals.

Mr. ADAMS. I would like to ask a question, but in the first place I trust the gentleman will permit me to make a statement.

Mr. FUNSTON. Very well.

Mr. ADAMS. The grades of grain as recognized by the different boards of trade vary somewhat, as the gentleman has stated?

Mr. FUNSTON. Yes, sir.

Mr. ADAMS. And the gentleman says it is desirable there should be a national standard?

Mr. FUNSTON. Yes, sir.

Mr. ADAMS. Now, admitting that to be true, why is it not preferable that the Committee on Agriculture should report a bill defining the different grades of grain, rather than leave it to the discretion of the Secretary of Agriculture to establish as many grades as he chooses? Let me illustrate. I am not a dealer in grain; but I presume the St. Louis board and the Chicago board have a small number of grades of grain. Now, suppose the presidents of the agricultural colleges desire the Secretary of Agriculture to establish eight or nine different grades. Would my friend from Kansas agree to that? Why should not the Committee on Agriculture examine the matter and determine how many grades of grain the commerce of the United States needs and define each one? My impression is that in Chicago, for instance, grade "No. 1" or grade "No. 2" is not fixed by any official of the Chicago Board of Trade, but is fixed by the statutes of Illinois or by authority of the statutes; and the case may be similar in St. Louis. If that is true, and if it is desirable that the statute law should not only limit the number of grades which may exist, but describe the grades, it seems to me the Committee on Agriculture ought to have reported a different bill from this.

Mr. FUNSTON. The gentleman does not understand the bill. It does not make any grade arbitrary.

Mr. ADAMS. That is what I object to.

Mr. FUNSTON. It only establishes a national grade, which does not interfere with the other gradings.

Mr. WILLIAMS, of Ohio. Does the statute of Illinois provide any other grade than that wheat shall weigh 60 pounds to the bushel?

Mr. ADAMS. Oh, I think so.

Mr. WILLIAMS, of Ohio. I do not think there is any other grade established.

Mr. ADAMS. Who establishes the grade?

Mr. WILLIAMS, of Ohio. The buyers establish the grade, and the buyers in every county where wheat is sold make a grade to suit themselves. Now, that is what we want to avoid.

Mr. ADAMS. Certainly, we want to avoid that.

Mr. FUNSTON. The gentleman from Illinois [Mr. ADAMS] has asked me why the Committee on Agriculture do not introduce a bill establishing these different grades.

Mr. ADAMS. Yes, sir.

Mr. FUNSTON. I reply, simply because the Committee on Agriculture has not facilities or opportunities for becoming familiar with this matter. That committee is not as conversant with it as the Secretary of Agriculture is and ought to be. We think it wiser to refer these matters to him and allow him to regulate them rather than attempt to make a regulation ourselves.

Mr. PICKLER. There is nothing compulsory in this bill?

Mr. FUNSTON. Nothing at all.

Mr. PICKLER. Different parties may adopt or reject these grades, as they please?

Mr. FUNSTON. The gentleman is thoroughly correct; they may adopt or reject them, as they please.

Mr. ADAMS. Who may do so?

Mr. PICKLER. Anybody or everybody, as I understand. If we adopt these grades parties in Chicago may buy and sell by them or not, as they please.

Mr. FUNSTON. Let me explain the utility of a measure of this kind. Suppose a dealer in France buys so many bushels of American wheat, described as "No. 2." If we have established a standard by national legislation, that man knows precisely what he is to get, because he knows what the national standard is. If there is no national standard, the grade of wheat which he will get as "No. 2" will depend upon the locality from which it comes.

Mr. ADAMS. The gentleman says, as I understand, that the movement in favor of this measure comes largely from the presidents of agricultural colleges.

Mr. FUNSTON. And also from the farmers.

Mr. ADAMS. The farmers naturally want a uniform grade; and to that I do not object. But the movement in favor of allowing the Secretary of Agriculture to establish five or ten or fifteen grades of wheat—where does that movement come from?

Mr. FUNSTON. The gentleman will observe by examining the bill that the Secretary of Agriculture is to regulate these grades upon consultation with the various boards of trade.

Mr. ADAMS. Is he not to take the judgment of the presidents of the agricultural colleges?

Mr. FUNSTON. No; he is to consult with the boards of trade who establish the usages. Here is the language of the bill:

The Secretary of Agriculture be, and he is hereby, authorized and required, as soon as may be after the enactment hereof, to establish a standard for classifying and grading grains, and according to such standard to determine and fix such classification and grading of wheat, corn, rye, oats, and other grains as the usages of trade warrant and permit.

The only way to ascertain the "usages of trade" is to consult the various boards of trade which have been grading wheat heretofore. As a matter of course, the Secretary of Agriculture will be compelled to consult these persons who have been making these grades, and largely be guided by their judgments or wishes, so that we may have a standard which will not be objected to and that will be uniform.

Mr. COBB. But the matter is left to his judgment, after all?

Mr. FUNSTON. Yes, sir.

Mr. WADE. I now yield five minutes to the gentleman from Illinois [Mr. TAYLOR].

Mr. TAYLOR, of Illinois. Mr. Speaker, I do not know that I shall need that much time. I simply desire to make a brief statement of my views in regard to this matter.

I see that this bill came into the House on August 29, and was referred on that date to the Calendar. So it is just a month old. I had no knowledge of the bill until it was brought up to-day.

The grain market of the world is located in my district. This is too important a measure to be railroaded through the House in this manner. It should be duly considered by a full House with ample time for consideration, and I am satisfied that these great interests of the grain men that we hear so much talk about will not suffer materially within the next sixty days. We meet here again in about sixty days. During that time I will look into this question, investigate the matter fully, and will probably be for the bill then or some modification of it. But now I shall have to object.

Mr. FUNSTON. Do you see any objection to the bill in its present form?

Mr. TAYLOR, of Illinois. Why, of course I do, serious objection. Mr. FUNSTON. Then why do you not mention them and let us see if we can not put the bill in such shape as will meet your views?

Mr. TAYLOR, of Illinois. I do not desire to undertake to perfect a bill of this importance in so short a time. There may be some objections to it that I can not now see. We are liable certainly to have a double standard in Illinois for our grain if this passes.

Mr. KERR, of Iowa. Is it not provided in the Constitution that standards of this character shall be fixed by Congress?

Mr. TAYLOR, of Illinois. Well, I do not want to go into the constitutional argument at this time.

Mr. PICKLER. Do I understand the gentleman to hold that because Illinois has already adopted a standard for grain that the United States shall not also fix one?

Mr. TAYLOR, of Illinois. No, sir; not by any means; but simply that I am not prepared to support the bill now. I think it needs very mature consideration. I have had no notice of its coming up. It was brought in, as I have shown, thirty days ago. If it was so important as gentlemen seem to think now it should have been brought up before, when the committee had plenty of time.

Mr. FUNSTON. Allow me to say that we had other important measures to bring in, and we brought this in as soon as we could.

Mr. TAYLOR, of Illinois. I do not doubt the good faith of the committee, and have not questioned it. But the gentleman's own statement is that there were more important measures before the committee.

Mr. FUNSTON. No, sir; I said other important measures before the committee.

Mr. TAYLOR, of Illinois. Well, if they preceded this, the committee must have regarded them as more important. But I believe in good faith that the gentleman and his committee were looking out for the agricultural interests of the country.

Mr. FUNSTON. I wish the gentleman would state his objections to the bill.

Mr. TAYLOR, of Illinois. I have already stated my objections.

Mr. FUNSTON. Name one of them.

Mr. TAYLOR, of Illinois. Well, in the first place, it is liable to cause a conflict in our business in Illinois by establishing a double standard of grading grain.

Mr. FUNSTON. Does not the gentleman know that this does not force any standard? You can continue trade under your Chicago standard, if you prefer it.

Mr. PICKLER. If you have a good trade in Chicago, we will probably adopt that.

Mr. TAYLOR, of Illinois. And this bill provides in the third section—

Sec. 3. That from and after thirty days after such standard has been established and such classifications and grades have been determined upon and fixed and duly placed on record, as herein provided, such classification and

grading shall be taken and held to be the standard in all interstate and foreign trade and commerce in grain.

That does not say anything about the standard in Illinois. Now, we have a standard there already.

Mr. FUNSTON. Why do you not finish the section?

Mr. TAYLOR, of Illinois. Very well; I will finish it. In all cases where no other standard of grade is agreed upon.

That is, you must make a standard with every man you buy grain from, or must go by this standard set by the Secretary of Agriculture.

Mr. PICKLER. You do that now.

Mr. TAYLOR, of Illinois. Well, the Secretary of Agriculture is a good farmer, I have no doubt, but I have equal confidence in the grain men of the West who have spent their lifetime in the business. I think they are as competent as the Secretary of Agriculture to fix the standard.

[Here the hammer fell.]

Mr. WADE. I now yield three minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, it seems to me this bill ought to pass. It authorizes the Secretary of Agriculture to fix the standard for classifying and grading grain—a uniform standard—not only for Illinois, but for Missouri and Kansas and Minnesota and the whole country. It seems to me that this is most important, for we all understand that complaints are constantly made in different States and different sections that grain of the same quality is graded differently.

I have heard great complaint by farmers and great complaint by grain men and elevator men that there is no common standard for the classification of grain. It seems to me that this is as important as it is that the Government should fix weights and measures.

The last section of the bill does not interfere with the grain people in my own State or in the city of Chicago. If they have a classification under State law they can still have it by contract. It seems to me that that is ample. If our people, notwithstanding that 412 grains of silver are a legal-tender dollar, wish to make any other contract, they can do it, and it seems to me just as sensible to object to a standard as to money or as to weights and measures as it is to object to a standard for the classification of grain. I think my colleague is mistaken. I have great respect for his opinion; and I am glad to hear him say, if we can not get his consent so far as he is concerned to let this bill pass now, that he will investigate the matter between this and the coming together of Congress again. But I would much rather see the bill pass now; and if we had a quorum here I would favor taking the steps that would secure the passage of the bill.

Mr. ADAMS. Mr. Speaker, who objects to a national classification of grain, as my colleague intimates that some one objects? Not I, nor my colleague. The only objection that I have to this bill is that it gives the Secretary of Agriculture a discretion which I do not know that I am willing to repose in him.

Mr. CANNON. If my friend will allow me. If you are to have a national classification of grain ought not the discretion to be vested in some Federal official?

Mr. ADAMS. Well, if my colleague will allow me, I understand the standard of grain in different States is fixed by public authority in those States.

Mr. WILLIAMS, of Ohio. By local law.

Mr. ADAMS. I agree that the farmers of this country want a uniform standard. I desire a uniform standard; but before I vest this discretion in one officer of the Government I would be glad to see the statutes of the States or the regulations of those States by which these different grades of grain are created. Now, my colleague says it is a question of weights and measures. It is nothing of the kind, with all respect to him. It is a question of color and cleanness and plumpness of the kernel.

Mr. CANNON. My colleague, I know, does not intend to misrepresent me. I said that the same authority that fixes weights and measures might well be authorized to fix a standard for the classification of grain.

Mr. ADAMS. Simply as an incident to the power to regulate commerce among the several States and between the United States and foreign countries, and it has not any connection whatever with the power to fix weights and measures.

Mr. CANNON. There is as much reason, though, for one as for the other.

Mr. ADAMS. I agree that there should be a uniform standard; but I can see no reason for vesting this authority in the Secretary of Agriculture. I should like to see the description of Chicago No. 1 wheat and St. Louis No. 1 wheat and adopt, if possible, a compromise, or adopt the best standard; and I should think the same course ought to be taken with reference to the other grades of grain.

I do not know what these gentlemen who have urged this bill in the beginning think about the proper number of grades of wheat, and I think that this House and the farmers of the country, as well as the grain buyers and sellers of the country, might have some judgment on that point. Now, I want to say to my friend from Kansas [Mr. FUNSTON], the chairman of this committee, that I do not for one moment object to a uniform standard of grain, and if we can establish a uni-

form standard, and if that varies from the Chicago standard, then I should be in favor of abandoning the Chicago standard altogether; for I can see the advantage of one uniform national standard. All I say, however, is that before voting for this bill I should like to see, for my information and for the information of the House, that description of grain which constitutes No. 1 in one board of trade and No. 1 in another board of trade, in order to see what the real difference and difficulty is.

Mr. PICKLER. Would not the Secretary of Agriculture have better opportunities and be far more apt to get this classification in the proper shape than the Committee on Agriculture possibly could?

Mr. ADAMS. No, sir; with all respect to him. The Committee on Agriculture, having these three separate statutes, if they are statutes, or regulations, if they are regulations, and being themselves the representatives of the farmers of the country, I think could do that work as well as the Secretary of Agriculture could.

Mr. FARQUHAR. Will the gentleman allow me a question? Is it not a fact that the grades of grain are changed every year by reason of the difference in seasons?

Mr. ADAMS. I am not familiar with the fact.

Mr. FARQUHAR. Is not the gentleman also aware that it is the most difficult thing for one board of trade to get even two inspectors to agree? And those who are experts in inspection are often far beyond the capabilities of any man in the Agricultural Department.

Mr. PICKLER. That is just what we complain of, that the grain-buyers change the grade every year to suit themselves.

Mr. FARQUHAR. The grain-buyers in the country districts take the grain just exactly as they find it, but wet seasons or dry seasons make all the difference in the world. In inspection annually in the different boards of trade the inspectors who are experts are expected to gauge or make the grades that come into the different markets.

Mr. FUNSTON. Will the gentleman allow me a question?

Mr. FARQUHAR. Another difficulty. You can, if you wish, establish a national grade. You can keep the samples here or in different parts of the country, but when you come to buy from first hands, who inspects? The man who buys and the man who sells; and it is a matter of negotiation between the two. One will claim it is No. 1 red; another says it is off No. 1. He says: "I will give you a dollar and ten." The other says: "Give me a dollar and twelve;" and so the deal is made.

Mr. PICKLER. Suppose they had samples of the national standard?

Mr. FARQUHAR. But they would not have.

Mr. ADAMS. That would be impossible.

Mr. FARQUHAR. You might have a grade of No. 1 red established this year, but when you came to put the thing into practice, if there was a wet season in Minnesota, the wheat would not turn out No. 1 red by the standard of this year.

Mr. PICKLER. But it would come in some one of the grades.

Mr. FUNSTON. Does the gentleman mean to say that the grade changes every year according to the season?

Mr. FARQUHAR. I say the standard of quality varies with the seasons, and unless you can regulate the seasons you can not regulate the grades arbitrarily.

Mr. FUNSTON. When the No. 2 grade is established why is not that No. 2 grade regardless of the season?

Mr. FARQUHAR. I agree with the gentleman from Chicago [Mr. ADAMS] that there would probably be something gained if this could be done, but I am talking about the practical difficulties that I know of as a commercial editor. I have seen all these difficulties.

Mr. WADE. Mr. Speaker, I called up this bill for the purpose of having it discussed. Inasmuch as the gentleman from Illinois [Mr. TAYLOR] says if the bill is put on its passage he will call for a quorum and as there is no quorum present in the House, I withdraw the bill.

Mr. PICKLER. I object to the withdrawal of the bill.

Mr. WADE. I withdraw my objection to the consideration of the bill called up by the gentleman from Michigan [Mr. CUTCHEON].

Mr. PICKLER. A parliamentary inquiry, Mr. Speaker.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. PICKLER. Mr. Speaker, this bill is before the House, and I want to know if it can be withdrawn against the objection of members. I object to its being withdrawn, because this bill is entitled to consideration as much as any other bill on the Calendar.

Mr. HOOKER. I hope that it will be withdrawn, because it is evidently going to provoke discussion and consume time.

Mr. CUTCHEON. Mr. Speaker, the gentleman from Missouri states that he withdraws his objection to the bill I called up.

Mr. BRECKINRIDGE. Mr. Speaker, is not the order for unanimous consent to consider this bill for half an hour in the nature of a rule, just the same as a rule adopted where the previous question is ordered, and does not that, therefore, take the bill out of the power of the mover of the bill to withdraw it?

Mr. HOOKER. I make the point that the objection came too late.

The SPEAKER *pro tempore*. The Chair will examine the rule on the point made by the gentleman from Kentucky.

Mr. PICKLER. Mr. Speaker, against my own conviction, under

pressure from members, I will withdraw my objection to the withdrawal of the bill.

Mr. CUTCHEON. Mr. Speaker, the gentleman from Missouri withdraws his objection to the bill which I send to the Clerk's desk.

TIMOTHY HENNESSY.

Mr. STONE, of Kentucky. I ask unanimous consent for the present consideration of the bill (S. 3521) for the relief of Timothy Hennessy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay unto the said Timothy Hennessy the three months' pay, proper, as major of Fifth Pennsylvania Cavalry Volunteers, under the provisions of the said act of March 3, 1865.

Mr. CUTCHEON. Parliamentary inquiry.

The SPEAKER *pro tempore*. Is it in relation to the pending bill?

Mr. CUTCHEON. When the gentleman from Missouri [Mr. WADE] interposed an objection to the bill which I sent to the Clerk's desk and stated that his purpose was to gain consideration of the agricultural bill, did not my motion remain on the table? When he withdrew his objection, as he did some time ago when he recalled the agricultural bill, did not that restore the bill that I sent to the Clerk's desk?

The SPEAKER *pro tempore*. It does not when the proceeding is by unanimous consent. Unless a request for unanimous consent for the consideration of a bill sent to the Clerk's desk is entertained the matter has no place before the House, and when objection was made it left the bill of the gentleman just the same as if it had not been called up.

Mr. CUTCHEON. I think it is now before the House.

The SPEAKER *pro tempore*. The Chair will state that the gentleman from Michigan will perceive that he could not present a bill, ask for unanimous consent for its consideration, then some gentleman object for the sake of getting up another bill, and then after it had been considered to withdraw his objection and let the bill which had first been objected to come up again. That would be giving to one gentleman the control of recognitions, which rests exclusively in the Chair.

Is there objection to the present consideration of the bill sent up by the gentleman from Kentucky, which has just been read? The Chair hears none.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. STONE, of Kentucky, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SOPHIA WENZEL.

Mr. CALDWELL. I call up for present consideration the bill (H. R. 12123) granting a pension to Sophia Wenzel.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby is, authorized and directed to place on the pension-rolls, subject to the provisions and limitations of the pension laws, the name of Sophia Wenzel, widow of John Wenzel, of Company F, Seventh United States Infantry, in the Florida war, at the rate of \$12 per month.

The SPEAKER. Is there objection to the present consideration of the bill? The Chair hears none.

Mr. KERR, of Iowa. Is there a report from the committee?

Mr. CALDWELL. Yes, sir; there is a unanimous report.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. CALDWELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WOMAN SUFFRAGE.

Mr. CLANCY obtained unanimous consent to have read and printed in the RECORD the following memorial; which was referred to the Committee on the Judiciary, and ordered to be printed:

To the Senate and House of Representatives in Congress assembled:

We, workmen of Brooklyn, respectfully request your honorable bodies to pass the joint resolution proposing an amendment to the National Constitution securing to women of the United States the exercise of the rights of suffrage on equal terms with men.

As citizens of the United States we believe that it is mockery to call this nation a Republic while one-half of the citizens are excluded from all voice in the Government; as thinkers we hold that the elevation and enfranchisement of women is essential to the development of the race; as workmen we assert that only by equal political rights can women secure equal pay with men for equal work.

The Local Assembly 1562, Knights of Labor Union, of the city of Brooklyn and State of New York, a union numbering 61 members, at a regular meeting thereof, approved of the above petition and directed the secretary of said union to certify to this fact under seal.

In witness whereof, I, Robert C. Utes, secretary of said union, do this 26th day of September, in the year 1890, append my official signature and the seal of said union.

[SEAL.]

ROBERT C. UTES,

Secretary, 271 Smith Street, Brooklyn, N. Y.

MARCELLUS PETTIT.

Mr. LACEY. I ask unanimous consent for the consideration of the bill (H. R. 11766) to correct the military record of Marcellus Pettitt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War is empowered and directed to

enter the name of Marcellus Pettitt upon the muster-rolls of Company G, Twenty-first Missouri Infantry Volunteers, from the 23d day of January, 1862, to the 10th day of February, 1862, the latter date being the date of his death and his muster having been prevented by his fatal illness.

The SPEAKER. Is there objection to the present consideration of the bill? The Chair hears none.

The amendment recommended by the committee was read, as follows: In line 6 strike out "23d day of January" and insert "1st day of February."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. LACEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGES ACROSS ENGLISH BAYOU AND CALCASIEU RIVER.

Mr. PRICE. I ask unanimous consent for the present consideration of the bill (H. R. 9852) to authorize the Lake Charles Road and Bridge Company, of Lake Charles, La., to construct and maintain bridges across English Bayou and Calcasieu River.

The Clerk proceeded to read the bill.

Mr. PRICE. Mr. Speaker, I ask unanimous consent to dispense with the reading of the bill, as it is an ordinary bridge bill.

The SPEAKER. The gentleman from Louisiana says that this is a bridge bill in ordinary form, and asks unanimous consent to dispense with the reading of the bill. Is there objection? The Chair hears none. Is there objection to the consideration of the bill? The Chair hears none.

The amendment recommended by the committee was read, as follows:

In section 1, line 13, strike out the words "for compensation" and insert the following: "And such corporation may charge and receive such reasonable tolls therefor as may be provided from time to time by the Secretary of War."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. PRICE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

HENRY CLAY AND OTHERS.

Mr. RANDALL. Mr. Speaker, I call up the bill (H. R. 2617) for the relief of Henry Clay and others, owners and crew of the whaling schooner Franklin, of New Bedford, Mass.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay, out of any money in the Treasury not otherwise appropriated, to Henry Clay, of New Bedford, Mass., agent and managing owner of the whaling schooner Franklin, New Bedford, the sum of \$3,500, that sum being the estimated loss to the owners, captain, and crew of the schooner Franklin in rescuing the passengers and crew, twenty-six persons, after they had abandoned at sea the burning steamer Lorenzo D. Baker, of Boston, and conveying them safely to New Bedford, thereby causing the schooner to leave her cruising grounds and break up her voyage.

SEC. 2. That one-third of the sum appropriated by this act shall be paid to the captain and crew of the Franklin, according to the estimated amount of what would have been their respective shares of the catch.

Mr. HOLMAN. I ask that the report be read.

The report (by Mr. LAIDLAW) was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 2617) for the relief of Henry Clay and others, owners and crew of the whaling schooner Franklin, of New Bedford, Mass., have considered the same and respectfully submit the following report:

The schooner Franklin left New Bedford on a whaling voyage in the Atlantic Ocean. She was prosecuting that voyage when, on the 15th of July, 1889, being then on her whaling ground and meeting with success, at about 2 o'clock in the morning a glare of light was discovered in the sky a long distance off. It was then blowing quite a gale. The captain, realizing at once that it was a ship on fire, made sail and stood for the burning vessel.

At daylight great volumes of smoke appeared, and about 10 o'clock the Franklin reached the spot, where they found that a vessel had been burned, and discovered six or seven men floating on a spar alongside the burning ship and quite exhausted. They were taken on board of the Franklin, and in twenty minutes from that time the vessel sank, having been burned to the water's edge. Men were put at the masthead to look for any life-boats, and finally discovered one, and proceeded to her, and finding that she had been overturned by the waves they took sixteen men from off her bottom. Later on they found a smaller boat with the balance of the passengers and crew, making the whole number rescued twenty-five.

The Franklin then had about 175 barrels of empty casks; and, with her prospects of taking whales, would have filled them but for this unforeseen event. Not being able to cruise with so many extra people on board, she started at once for the coast, hoping to find some vessel that she could put them on board of; but not meeting with any she had to proceed on her voyage, and landed them safely on our shores.

Cruising near the Franklin at the same time was another vessel, owned in New Bedford, which did not see this burning ship, but proceeded in catching whales and came home with a full cargo. The smallest value that the owners could place on the 175 barrels of sperm-oil that they had good reason to think would have been taken could they have remained on the ground is \$3,500, and that is the amount that they claim in remuneration for having saved this large number of lives.

Your committee, after a careful review of the facts, are of the opinion that the claim made by the owners and crew of the Franklin is a just, fair, and reasonable one. These men had every right to expect a successful voyage, and if it were not for the humane act which led to their return from their cruise, all of the value claimed in the bill would in all probability have been secured.

There are many precedents warranting a much larger return for an act like

this, and your committee believe that the passage of the bill will not only be a just and proper recognition of the act, but will be an encouragement to others to leave their pursuit to rescue life with the certainty that the same will be appreciated and a proper return made.

The bill is reported back with the recommendation that it do pass.

Mr. HOLMAN. What is the amount involved in this bill?

Mr. RANDALL. Thirty-five hundred dollars.

Mr. BRECKINRIDGE. Mr. Speaker, I wish the gentleman from Massachusetts would state upon what principle it is claimed that the United States ought to pay the officers, owners, and crew of this vessel.

Mr. RANDALL. There are a great many precedents, cases where a larger amount has been paid under like conditions. It is the understanding of captains that when they leave their crews and abandon all prospect of success in their calling for the time being in order to save life their services will be recognized, and such action ought to be recognized and awarded by the Government. Besides, there are peculiar features connected with the whaling business. In that business no man is paid by the year or by the month. The captain and the men go on shares. Their reward depends upon their success, and to catch whales they have to go upon the feeding grounds of the whale.

Mr. BRECKINRIDGE. The gentleman does not think, I suppose, that this captain and his crew would have allowed these men to be drowned or burned if he had not believed that we would make good their loss?

Mr. RANDALL. Certainly not.

Mr. BRECKINRIDGE. Then it is not for saving the lives that we are to pay them.

Mr. RANDALL. No; but I think such conduct ought to be recognized by the Government, and, as I have said, there are many precedents where such appropriations have been made to quite large amounts. Only the other day a bill was passed appropriating \$138,000 for a like purpose. I hope this bill will pass.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. RANDALL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DANIEL C. TREWHITT.

Mr. EVANS. Mr. Speaker, I call up the bill (H. R. 7641) for the relief of Daniel C. Trehwitt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Daniel C. Trehwitt, late captain and assistant adjutant-general, Twenty-fifth Brigade, Seventh Division, Army of the Ohio, out of any money in the Treasury not otherwise appropriated, the pay and allowances of a captain of cavalry from the 15th day of March, 1862, to the 1st day of August, 1862.

SEC. 2. That the Secretary of War be, and he is hereby, authorized and directed to amend the record of the said captain and assistant adjutant-general, Daniel C. Trehwitt, and to muster him as a captain of cavalry, to date from March 15, 1862, the date upon which he entered upon duty.

Mr. COBB. Mr. Speaker, I ask for the reading of the report.

The report (by Mr. OSBORNE) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 7641) for the relief of Daniel C. Trehwitt, of Chattanooga, Tenn., having considered the same, respectfully report:

The claimant, Daniel C. Trehwitt, did the duty and performed the services of assistant adjutant-general of volunteers with the rank of captain from March 14, 1862, to July 5, 1862, before he was in a position wherein he could qualify as such officer. The facts are fully set forth in the report from the War Department hereto annexed.

Your committee recommend that the bill be amended by striking out the second section, as no muster of such officer is or could be required.

Your committee believe that the bill is a meritorious one, as Captain Trehwitt performed the duty on the staff of General Spears and has not been paid. They recommend the passage of the bill.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, May 20, 1890.

SIR: I have the honor to return herewith House bill 7641, for the relief of Daniel C. Trehwitt, etc., which has been referred to the Department by the House Committee on Military Affairs. The bill provides for the payment to the said Trehwitt the pay and allowances of a captain and assistant adjutant-general (that is, the pay of a captain of cavalry) from March 15 to August 1, 1862, and directs the Secretary of War to amend his record "and to muster him as a captain of cavalry" to date from March 15, 1862, etc.

It appears from the records that Daniel C. Trehwitt was mustered in as lieutenant-colonel Second East Tennessee Infantry in September, 1861, and that he resigned as such March 14, 1862. He was nominated to the Senate June 13, 1862, for appointment as assistant adjutant-general of volunteers with the rank of captain, was confirmed June 30, 1862, and was commissioned accordingly by the President July 3, 1862, to rank from June 30, 1862, and received and accepted the commission August 2, 1862.

No papers or recommendations upon which the nomination was made are found on file or on record, but it was ordered, presumably, at the request of Brig. Gen. James G. Spears, who at that time was commanding a brigade in the Army of the Ohio, and for whose command the appointment was made. In his letter of August 2, 1862, accepting his appointment, Captain Trehwitt stated that he "had been in the United States service from 9th August, 1861," and added: "I have reported as ordered to Brig. Gen. James G. Spears, commanding Twenty-fifth Brigade, Army of the Ohio, for whom I have been acting since 14th March, 1862."

There are no returns of this brigade on file, covering the period March to August, 1862, nor does it appear that Captain Trehwitt reported to this office at all during this period. An examination, however, of the order books of the Twenty-fifth Brigade, Army of the Ohio, found among the records of that army sent to this office after the war, shows that Captain Trehwitt signed a number of orders issued by General Spears from April 13, 1862 (earliest on file), to

August, 1862. It also appears of record that in March, 1863, the Hon. Horace Maynard presented to the War Department a petition and papers from Captain Trehwitt, asking an appropriation to pay the members of the staff of General Spears, and that these papers were returned to Mr. Maynard with the suggestion that they be presented to Congress.

Upon inquiry of the Second Auditor, Treasury Department, that officer reports that Captain Trehwitt was last paid as lieutenant-colonel Second Tennessee Volunteers to include March 14, 1862, and first paid as captain and assistant adjutant-general of volunteers from and including July 5, 1862. Between these dates Captain Trehwitt had no legal appointment nor commission in the United States military service, and hence could not be legally paid. There was no law or regulation authorizing him to enter duty as captain and assistant adjutant-general, nor any authority for a commanding general to place him upon duty in advance of his appointment by the President.

The evidence of record, however, appears to show pretty conclusively that Captain Trehwitt did actually do duty in the capacity of assistant adjutant-general in General Spears' command during the period in question, and he has therefore an equitable claim for pay. It is accordingly suggested that the bill in this case be so amended as to allow him pay and allowances of a captain and assistant adjutant-general from March 15 to July 4, 1862, inclusive (he has already received pay from July 5, 1862), and to omit the last section, directing the Secretary of War to "muster him as a captain of cavalry to date from March 15, 1862," for the reason that the office of captain referred to was not one which was filled by the process of mustering; that it could have been filled in no other way than by appointment of the President; and that, as it was not so filled as early as March 15, 1862, there is no way in which it can now be conferred upon any person as of that date.

Very respectfully, your obedient servant,

C. McKEEVER,
Acting Adjutant-General.

The SECRETARY OF WAR.

To the Senate and House of Representatives in Congress assembled:

Your petitioner, Daniel C. Trehwitt, a citizen of Hamilton County, Tennessee respectfully shows that on the 15th day of March, 1862, at Barboursville, Ky., he was appointed assistant adjutant-general on the staff of Brig. Gen. James G. Spears, then commanding Twenty-fifth Brigade, Seventh Division, Army of the Ohio.

He immediately entered upon the discharge of the duties of said office and continued therein until in the year 1864.

His appointment was duly forwarded to the President, but from some cause or informality he did not receive his commission till in August, 1862, at Cumberland Gap, Kentucky. His recollection is that his original appointment was simply approved by the President in April, 1862, and returned to him and subsequently returned to be acted on by the Senate, by which body being confirmed a commission was duly issued, dated, as he now remembers, on or about the 2d day of August, 1862.

Subsequently, at or near Carthage, in Tennessee, during our march to Carthage, Tenn., in 1863, his commission and many other valuable papers were lost, as he believes. He states that he received his first pay as such captain and assistant adjutant-general at Cumberland Gap, Kentucky, as now recollected, in August or September, 1862, and was only paid from date of his commission, which he now remembers was 2d of August, 1862.

He respectfully requests the passage of an act authorizing him to receive pay for the services actually performed from 15th March, 1862, to the date of his commission, which will be shown by reference to the War Department.

He respectfully asks this, not as a charity, but as simple justice and proper compensation for services actually performed by him and many others similarly situated, who had not advantages of remaining at their homes to make necessary preparation for a sudden change from the ordinary avocations of life, but were forced suddenly from the civic duties of life and required at once to perform duties and assume responsibilities to which they were utter strangers, and consequently he insists should not be held to the strict requirements applicable to parties more happily situated.

D. C. TREWHITT.

STATE OF TENNESSEE, Hamilton County:

Personally appeared Hon. D. C. Trehwitt, the foregoing petitioner, and made oath that the facts stated in the foregoing petition are true to the best of his knowledge, information and belief and recollection.

D. C. TREWHITT.

Sworn to and subscribed before me October 11, 1889.

[SEAL]

FR. DE TAVERNIER,
Justice of the Peace and Notary Public.

STATE OF TENNESSEE, Hamilton County:

I, L. M. Clark, clerk of the county court of said county, do hereby certify that Fr. de Tavernier, esq., whose genuine signature appears to the foregoing certificate, is now, and was at the time of signing the same, an acting justice of the peace in and for said county and State aforesaid, duly elected, commissioned, and qualified according to law, and that full faith and credit should be given to his official acts as such.

Witness my hand and seal of said court at office in Chattanooga this 23d day of February, 1890.

[SEAL]

L. M. CLARK, Clerk.

STATE OF TENNESSEE, Hamilton County:

Personally appeared James R. Edwards and made oath in due form of law that he is a citizen of Chattanooga, Tenn., which is his post-office address; that he is fifty-two years of age; that he has heard read the petition of Hon. D. C. Trehwitt for remuster and pay for services as assistant adjutant-general of the Twenty-fifth Brigade, Seventh Division, Army of the Ohio, from 15th March, 1862, to August 2, 1862, or date of his muster in, and in verification thereof states that he joined said command in early part of April, 1862, and said D. C. Trehwitt was then the adjutant-general of said brigade and performing the duties of said position, and continued so to do until near the close of the war.

JAMES R. EDWARDS.

Sworn to and subscribed before me October 11, 1889.

[SEAL]

FR. DE TAVERNIER,
Justice of the Peace and Notary Public.

STATE OF TENNESSEE, Hamilton County:

I, L. M. Clark, clerk of the county court of said county, do hereby certify that Fr. de Tavernier, esq., whose genuine signature appears to the foregoing certificate, is now, and was at the time of signing the same, an acting justice of the peace in and for said county and State aforesaid, duly elected, commissioned, and qualified according to law, and that full faith and credit should be given to his official acts as such.

Witness my hand and seal of said court at office in Chattanooga this 20th day of February, 1890.

[SEAL]

L. M. CLARK, Clerk.

The committee recommended an amendment striking out the second section of the bill.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. EVANS moved to reconsider the vote by which the bill as amended was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

J. B. O. G. GREER AND OTHERS.

Mr. HOOKER. Mr. Speaker, I call up House resolution, Mis. Doc. No. 242.

The resolution was read, as follows:

Resolved, That the following bills (H. R. 9696, 9699, 10627, 10937, 11068, 11220, 11219, 11229, 8066, and 10917) for the relief of J. B. O. G. Greer, estate of Michie Blackman, Norah Walsh, William McGee, Adeline N. Laro, Suzanne B. Neulien, Antoine D. Meullion, Anna Hunt, administratrix estate George F. Hunt, deceased; John Cleary, and Joseph Gradengo, together with all accompanying papers, be, and the same are hereby, referred to the Court of Claims under the provisions of the acts of Congress commonly known as the "Bowman act" and "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1897.

The SPEAKER. There is an amendment which the Clerk will read. The Clerk read as follows:

After the name "Gradengo" insert the following: "and the case of John A. Heard, of Hinds County, Mississippi, being House Report 937."

Mr. HOOKER. Mr. Speaker, those cases were all referred to the Committee on War Claims, and that committee recommend that they be referred to the Court of Claims for examination, consideration, and report to this House. I ask the adoption of the resolution.

The SPEAKER. Is there objection?

Mr. KILGORE. Before I determine whether I shall object or not, I want to inquire whether the committee has not the authority under the Bowman act to refer these claims to the Court of Claims, and therefore whether it is not unnecessary to pass this resolution.

Mr. HOOKER. I think not. The committee thought it necessary to pass the resolution, and therefore they reported it.

Mr. KILGORE. Does not the resolution undertake to remove the bar of limitation and give a cause of action where none now exists?

Mr. HOOKER. Not at all. All the cases have been considered by that committee, and they think them proper cases to go to the Court of Claims for examination and report.

Mr. CANNON. I think the gentleman from Texas [Mr. KILGORE] is right. My recollection of the Bowman act is that under it any committee of the House or Senate can refer a case to the Court of Claims.

Mr. HOOKER. That may be so, but whether the committee could refer it or not, there is no harm in the adoption of the resolution by the House. If the committee can do it they are simply the agents of the House, and it gives the matter no greater dignity for the House to do it than for the committee to do it.

Mr. KILGORE. But in doing such things we frequently remove the bar of limitation.

Mr. HOOKER. I do not think so. I do not think there is anything of that kind in this case. The resolution says nothing about that, and the court will have to consider the cases under the law as they find the law to be.

Mr. SAYERS. Mr. Speaker, I notice that the name of John A. Heard is included there. Is there a man named I. N. Baker connected with that claim?

Mr. HOOKER. I do not think so. This is a claim for the relief of John A. Heard, of Hinds County, Mississippi.

Mr. KILGORE. What amount is involved in these claims?

Mr. HOOKER. I do not know the amount. That depends upon what the court finds. I ask for the adoption of the resolution. It simply refers these cases to the court for examination, inquiry, and report.

Mr. KILGORE. Well, Mr. Speaker, I am opposed to it, but I shall not object.

Mr. HOOKER. I ask for a vote.

The amendment was agreed to.

The resolution as amended was then adopted.

RELIEF OF SETTLERS ON PUBLIC LANDS.

Mr. HERMANN. I ask unanimous consent for the present consideration of the public bill which I send to the desk.

The Clerk read as follows:

A bill (S. 1014) for the relief of certain settlers on the public lands of the United States and to authorize the taking and filing of final proofs in certain cases.

Be it enacted, etc., That in cases now before any of the land offices of the United States in which there has been or is now a vacancy in either of the offices of register or receiver, where the day set for hearing final proofs came during the vacancy in said office, and there is no contest or protest against said claims, and where the remaining officer has taken said proofs and reduced the same to writing, the same may now be passed upon by the register and receiver as if the same had been taken when there was no vacancy.

SEC. 2. That hereafter, when a vacancy shall occur in any of the land offices of the United States by reason of the death, resignation, or removal of either the register or receiver, and the time set for taking final proofs falls within the vacancy thus caused, the remaining officer may proceed to take said final proofs, in the absence of any contest or protest, reduce the same to writing, and place it on file in the office, to be considered and passed upon when the vacancy is filled.

There being no objection, the House proceeded to the consideration

of the bill; which was ordered to a third reading, read the third time, and passed.

ADDITIONAL JUSTICE, SUPREME COURT OF ARIZONA.

Mr. SMITH, of Arizona. I ask unanimous consent for the present consideration of the bill (H. R. 6975) to provide for an additional associate justice for the supreme court of Arizona.

The bill was read, as follows:

Be it enacted, etc., That hereafter the supreme court of the Territory of Arizona shall consist of a chief-justice and three associate justices, any three of whom shall constitute a quorum.

SEC. 2. That it shall be the duty of the President to appoint one additional associate justice of said supreme court in the manner now provided by law, who shall hold his office for the term of four years, and until his successor is appointed and qualified.

SEC. 3. That the said Territory shall be divided into four judicial districts, and a district court shall be held in each district by one of the justices of the supreme court, at such time and place as may be prescribed by law. Each judge, after assignment, shall reside in the district to which he is assigned.

SEC. 4. That the present chief-justice and his associates are hereby vested with the power and authority, and they are hereby directed, to divide said Territory into four judicial districts and make such assignments of the judges provided for in the first section of this act as shall in their judgment be meet and proper.

SEC. 5. That the said district court shall have jurisdiction, and the same is hereby vested, to hear, try, and determine all matters and causes that the courts of the other districts of the Territory now possess; and for such purposes two terms of said court shall be held annually, at such places within said district as may be designated by the chief-justice and his associates, or a majority of them, and grand and petit jurors shall be summoned thereon in the manner now required by law.

SEC. 6. That all offenses committed before the passage of this act shall be prosecuted, tried, and determined in the same manner and with the same effect (except as to the number of judges) as if this act had not passed.

SEC. 7. That any justice who has heard a cause from which an appeal is taken is hereby prohibited from sitting in or participating in the determination of the same on appeal.

Mr. HOLMAN. I ask for the reading of the report in this case.

The report of the Committee on the Territories (by Mr. STRUBLE) was read, as follows:

The Committee on the Territories, having had under consideration the bill (H. R. 6975) to provide for an additional justice of the supreme court of Arizona, and for other purposes, beg leave to report as follows:

The bill precludes any judge from acting as a member of the supreme court in any action or proceeding brought to such court by writ of error, bill of exception, or appeal from a decision, judgment, or decree rendered by him as judge of the district court. The evil in this respect which this bill cures in the Territory, there being but three judges, has caused very great dissatisfaction.

The three judges must act in each case in the supreme court in order that there may always be a majority for the decision of cases and the promulgation of opinions. This requires the judge of the district court to act in the supreme court and sit in judgment on and review his own decision. This is unfair to the judge, and it is not unnatural that it should, in the minds of lawyers and interested parties, create suspicion of collusion among the judges to sustain the opinions of each other in the courts below.

In the Territory of Arizona each district is as large as the State of Indiana, and three judges were necessary in past years, when the population was small and litigation light.

These judges, in addition to their duties as supreme court judges, are called upon to try all manner of causes arising under the laws of the United States and the Territory. They exercise in their respective courts the powers of common-law judges and chancellors and exercise the jurisdiction of United States district and circuit judges. In them (except the limited jurisdiction vested in justices of the peace and probate courts) are vested all the judicial powers of the Territory.

Attorneys, witnesses, and litigants have to travel in many instances hundreds of miles to reach the judge or court, and since the judges are not allowed traveling expenses, and railroads are few and the cost of travel very high, the expenses of this character become a great burden to all concerned, which can in a measure be remedied by giving the Territory an additional judge. The courts in all the districts are burdened with accumulated business, and it is not possible to clear the dockets. The Territory is increasing rapidly in population and wealth, and the best interests of the people demand increased court facilities.

In view of the foregoing facts the committee recommend the passage of the bill with the following amendment: At the end of section 4 add the words "said districts so made to be subject, however, to future act of the Territorial Assembly of said Territory."

Mr. BUCHANAN, of New Jersey. I would like to know from what committee this bill has been reported.

Mr. SMITH, of Arizona. From the Committee on Territories.

Mr. BUCHANAN, of New Jersey. Bills of this class have usually gone to the Judiciary Committee.

Mr. SMITH, of Arizona. This bill has also been favorably reported in the Senate. Every Territory except Arizona has been allowed this fourth judge.

The SPEAKER. Does the gentleman from New Jersey object?

Mr. BUCHANAN, of New Jersey. No, sir; I simply wanted to know the channel by which the bill reached the House.

Mr. OATES. I trust the gentleman from New Jersey will not object. This bill is similar to one which the Committee on the Judiciary considered and favorably reported.

Mr. BUCHANAN, of New Jersey. To relieve the gentleman's apprehension, I will say that I do not object.

There being no objection, the House proceeded to the consideration of the bill.

The amendment reported by the committee, to insert at the end of section 4 the words "said districts so made to be subject, however, to future act of the Territorial Assembly of said Territory," was read and agreed to.

The bill as amended was ordered to be engrossed and read a third

time; and being engrossed, it was accordingly read the third time, and passed.

Mr. REED, of Iowa, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NUMBERING OF PARAGRAPHS, ETC., OF TARIFF BILL.

Mr. MCKINLEY, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved by the House of Representatives (the Senate concurring), That the Clerk of the House be, and he is hereby, directed to number consecutively the paragraphs and sections of the bill (H. R. 9416) to reduce the revenue and equalize duties on imports, and for other purposes, in the enrollment of said bill.

NEW YORK, LAKE ERIE AND WESTERN RAILROAD COMPANY.

Mr. STIVERS. I ask unanimous consent for the present consideration of the bill (S. 260) for the relief of the New York, Lake Erie and Western Railroad Company.

The bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. ANDERSON, of Kansas. I object.

COMPENSATION OF CENSUS ENUMERATORS.

Mr. DUNNELL. I ask unanimous consent for the present consideration and passage of the bill which I send to the desk. The gentlemen who objected to this bill the other day have withdrawn their objections.

The bill (H. R. 11716) to amend an act to provide for taking the eleventh and subsequent censuses, approved March 1, 1889, was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. McMILLIN. I ask that the report be read, subject to the right to object. I wish to know what the effect of the bill is.

Mr. DUNNELL. There is no report. The consent of a majority of the Committee on the Eleventh Census was secured to the passage of this bill. The circumstances calling for its passage are explained in a letter which I hold in my hand from the Census Office. I hope the gentleman will not make any objection.

Mr. McMILLIN. I have great confidence in the judgment of my friend from Minnesota, but I would like to know the object and effect of the bill and what amount of additional expense will result from its passage. It seems that an additional expenditure is provided for.

Mr. VAUX. The bill provides for an increase of salaries, as I understand.

Mr. DUNNELL. The object of the bill is to make provision for those enumerators of the census who, in rural portions of the country, were found to be receiving a very inadequate compensation. By the letter from the Census Office it appears that in many of the States the average compensation did not exceed \$1.75 a day, out of which these enumerators had to pay their expenses. I hope the gentleman from Tennessee will not object. There is no appropriation asked for.

Mr. McMILLIN. But it necessarily creates an appropriation, and, for all we can see, a very considerable one. I think the effect will be the expenditure of a very large sum. But considering the inefficiency in which a part of the work at least was done, without any fault of the office here, I do not hesitate to say that this ought to be looked into a little more carefully.

The SPEAKER. Is there objection?

Mr. McMILLIN. For the present I object.

BOUNTY—ORDNANCE CORPS.

Mr. TRACEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 6584) for the relief of certain enlisted men of the Ordnance Corps, United States Army, in the matter of claims for bounties.

The bill was read, as follows:

Be it enacted, etc., That the proper accounting officers of the Treasury Department be, and they are hereby, directed in the consideration of the claims for bounty heretofore filed, or which may be hereafter filed, of enlisted men of the Ordnance Corps, United States Army, to allow to such enlisted men of the Ordnance Corps, their widows or heirs, the same bounties as have been allowed to other enlisted men who served in the war of the rebellion.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BRECKINRIDGE. Reserving the right to object, I call for the reading of the report.

The report (by Mr. MAISH) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 6584) entitled "A bill for relief of certain enlisted men in the Ordnance Corps, United States Army, in the matter of claims for bounties," submit the following report:

The records of the War Department show the total number of men enlisted in the Ordnance Corps from 1861 to 1865 to have been 731. Of these 89 deserted and 176 were discharged or died prior to the close of the war. The Paymaster-General's office estimates the amount that would be required to pay to all, except the deserters, sums equal to those paid other enlisted men of the same dates of enlistment at \$163,335.

From this there would be a reduction on account of such discharges as were made under circumstances preventing payment of bounty; also the usual percentage of cases in which claims would not be presented owing to disappearance of claimants and absence of heirs or legal representatives. It is believed that

the total cost of placing these men on a footing in this particular with other volunteers would not exceed \$150,000.

Your committee report back the bill and recommend its passage.

There being no objection, the bill was considered and ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

RECONSIDERATION.

Mr. HOLMAN. I rise to submit a privileged motion.

The SPEAKER. The gentleman will state it.

Mr. HOLMAN. I wish to enter a motion to reconsider the vote by which the bill H. R. 11391 was passed. I refer to the bill in regard to Indian schools, which was before the House last night.

The SPEAKER. The motion will be entered.

ORDER OF BUSINESS.

Mr. HANSBROUGH. Mr. Speaker, I ask unanimous consent—

Mr. BRECKINRIDGE. I call for the regular order.

The SPEAKER. The regular order is the bill relating to the jurisdiction of the courts, the title of which the Clerk will read.

The Clerk read as follows:

A bill (H. R. 9014) to define and regulate the jurisdiction of the courts of the United States.

Mr. KILGORE. My understanding about that bill was that it was to go to a committee.

The SPEAKER. No, a point of order was made by the gentleman from Kentucky [Mr. BRECKINRIDGE]. The Chair sustains the point of order and the bill is referred to the Committee on the Judiciary.

FRANCIS GILMAN.

The SPEAKER also laid before the House the bill (H. R. 4258) increasing the pension of Francis Gilman, with Senate amendment.

The Senate amendment was read.

Mr. PERKINS. I move to concur in the amendment of the Senate.

Mr. KERR, of Iowa. What is the effect of the amendment?

Mr. PERKINS. The effect is to strike out two months' pension which would be received under the House bill.

The motion of Mr. PERKINS was agreed to, and the Senate amendment was concurred in.

ADMINISTRATION OF JUSTICE, UNITED STATES ARMY.

The SPEAKER also laid before the House the Senate amendment to the bill (H. R. 7989) to promote the administration of justice in the Army, and for other purposes.

The Senate amendment was read, as follows:

In line 7, strike out the word "in" where it occurs the second time.

Mr. CUTCHEON. This is simply the correction of a clerical error by which either the engrossing clerk or the printer inserted the word "in" a second time. It is not necessary to the sense of the text, but on the contrary obscures it. I move to concur in the Senate amendment.

The motion was agreed to.

ALLOTMENT OF LANDS IN SEVERALTY.

The SPEAKER also laid before the House the bill (S. 3043) to amend and further extend the benefits of the act approved February 8, 1889, entitled "An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States over the Indians, and for other purposes," with House amendments disagreed to by the Senate and request for a conference on the disagreeing votes.

The SPEAKER. The question is on insisting on the amendments of the House and agreeing to the conference asked by the Senate.

The motion was agreed to.

The SPEAKER. This concludes the business on the Speaker's table.

CUSTOMS COLLECTION DISTRICT, NORTH AND SOUTH DAKOTA.

Mr. HANSBROUGH. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 1568) establishing a customs collection district to consist of the States of North Dakota and South Dakota, and for other purposes.

The bill was read, as follows:

Be it enacted, etc., That a collection of customs district be, and the same is hereby, established, embracing the States of North Dakota and South Dakota, with Pembina, in the State of North Dakota, as a port of entry, and Sioux Falls, in the State of South Dakota, as a port of delivery.

Sec. 2. That the collector for the port of North and South Dakota shall be appointed by the President, by and with the advice and consent of the Senate, and shall be paid a salary of \$1,200 per annum.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. McMILLIN. Let the report be read. Has this bill been reported by a committee of the House?

Mr. HANSBROUGH. It has been.

Mr. McMILLIN. Let the report be read.

The report (by Mr. LIND) was read, as follows:

The Committee on Commerce, to whom was referred Senate bill 1653, providing for the establishment of the customs collection district of North and South Dakota, report that said bill should pass by reason of the fact that the two States aforesaid are not now in a customs collection district; that the north

line of the said proposed district—350 miles in length—is the boundary line between the United States and the Dominion of Canada; that the interests of the customs service and of the people demand a more systematic and perfect inspection along the line than is possible under the present arrangement in order that the law may be enforced and smuggling prevented and unlawful immigration prevented.

Mr. McMILLIN. In what collection district are these States now?

Mr. HANSBROUGH. They are now under the jurisdiction of the district of Minnesota, but properly they are not in any collection district.

Mr. McMILLIN. They are under that jurisdiction?

Mr. HANSBROUGH. Simply under the jurisdiction.

Mr. McMILLIN. And the laws enforced from that office?

Mr. HANSBROUGH. Yes; from St. Paul, 400 miles away.

Mr. McMILLIN. You provide for two districts here?

Mr. HANSBROUGH. No, sir; only one district, including the two States.

Mr. McMILLIN. And establish a port of delivery?

Mr. HANSBROUGH. Yes; at Pembina.

Mr. McMILLIN. What officials—

Mr. HANSBROUGH. There is a port of entry at Pembina, on the north line, and a port of delivery at Sioux Falls, in South Dakota, 500 miles south.

Mr. McMILLIN. What offices are provided for in the bill?

Mr. HANSBROUGH. Simply a collector, and I would say that the passage of this bill will make no extra expense to the Government.

Mr. McMILLIN. How will the second office, the port of delivery, be run?

Mr. HANSBROUGH. It is optional with the Secretary of the Treasury whether he shall appoint—

Mr. McMILLIN. Strike out that part of it and I will have no objection to the passage of the bill. I do not see the necessity for that, and it contemplates officers the need for whom I am not able to see from the report.

Mr. HANSBROUGH. This is a Senate bill, and if it is amended now it probably will not pass during this session.

Mr. McMILLIN. You can send it back to the Senate and have it disposed of.

Mr. GIFFORD. I hope the gentleman will not object to the port of delivery.

Mr. HANSBROUGH. Sioux Falls is a city of 20,000 inhabitants. I hope the gentleman will not object to the establishment of a port of delivery.

Mr. McMILLIN. As there seems to be no other in either of the States, I shall make no objection. I shall not object to each State having one.

Mr. HANSBROUGH. There is great necessity in Sioux Falls for the establishing of a port of delivery. The gentleman from Tennessee withdraws his objection.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. HANSBROUGH moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

FORT RANDALL MILITARY RESERVATION, SOUTH DAKOTA.

Mr. PAYSON. Mr. Speaker, I present a report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 789) opening to settlement a portion of the Fort Randall military reservation, in South Dakota.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 789) opening to settlement a portion of the Fort Randall military reservation, in South Dakota, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows:

Amend the title so as to read: "An act opening to settlement a portion of the Fort Randall military reservation, in South Dakota, and to dispose of the Sisseton military reservation;" and the Senate agree to the same.

L. E. PAYSON,

E. J. TURNER,

W. S. HOLMAN,

Managers on the part of the House.

P. B. PLUMB,

A. S. PADDOCK,

S. PASCO,

Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

The managers on the part of the House submit the following explanation of the report of the committee of conference on House bill 789, opening to settlement a portion of the Fort Randall military reservation, in South Dakota:

The Senate amended the bill by adding thereto sections 2, 3, and 4.

Section 2 provides for the survey of the abandoned Fort Sisseton military reservation, in South Dakota.

Section 3 grants to the State of South Dakota one section of land of the said Fort Sisseton military reservation, upon which the buildings used in connection with said fort are situated, to be used by said State as a permanent camp and parade ground for the militia of said State, the title to said grounds to revert to the United States whenever they cease to be used by said State for such purpose.

Section 4 grants to said State of South Dakota the remaining portion of said reservation as a part of the lands granted to said State under the provision of the act admitting said State into the Union.

L. E. PAYSON,

E. J. TURNER,

W. S. HOLMAN,

Managers on the part of the House.

The report was adopted.

Mr. PAYSON. I have another privileged report that I desire to present.

The Clerk read as follows:

A bill (H. R. 7254) to repeal the timber-culture laws, and for other purposes.

Mr. PAYSON. Read the report.

The Clerk read as follows:

Your committee have had under consideration House bill No. 7254, to repeal the timber-culture law, and for other purposes, and recommend that the House non-concur in all Senate amendments and agree to a conference.

Mr. PAYSON. I ask that the House non-concur in the Senate amendments and agree to the conference asked for by the Senate.

Mr. ANDERSON, of Kansas. I would like to inquire of the gentleman whether it is intended to come to an agreement at this session.

Mr. PAYSON. I will say to the gentleman, if I may properly do so in advance, that unless the Senate recede from their entire amendment and pass the repeal of the timber culture law as the House passed it, no agreement will be reached at this session.

The motion was agreed to.

The SPEAKER subsequently announced as conferees on the part of the House Mr. PAYSON, Mr. PICKLER, and Mr. HOLMAN.

AMENDMENT TO POSTAL LAWS.

Mr. STOCKBRIDGE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 11527) to amend chapter 1065 of the acts of the first session of the Fiftieth Congress.

The Clerk read as follows:

Be it enacted, etc., That chapter 1065 of the acts passed at the first session of the Fiftieth Congress be, and the same is hereby, amended as follows, namely: By inserting in line 19 of said act, between the words "new" and "registering," the words "or improved."

Sec. 2. That this act take effect from the date of its passage.

Mr. GROSVENOR. Mr. Speaker, a point of order on that bill.

Mr. STOCKBRIDGE. I will explain the effect of the act in a few words.

Mr. GROSVENOR. I want to make a point of order. I want to call the gentleman's attention to the form of the bill. I doubt whether this is a good amendment of an act passed by a former Congress, to attempt here to simply insert two or three words into a former act. I do not see how a court would be able to recognize the existence of a statute sought to be amended in that way.

Mr. STOCKBRIDGE. The act has become one of the Revised Statutes by its passage.

Mr. GROSVENOR. That is very true, but you only insert these words without stating how the act will read after it is amended. This would be proper as an amendment to a pending bill, but I do not believe you can amend an act passed by a former Congress in that way.

Mr. CUTCHEON. You ought to recite the section as it will read after it is amended.

Mr. GROSVENOR. I think you ought to redraft the section.

Mr. STOCKBRIDGE. Does the gentleman make that point of order?

The SPEAKER. The Chair does not think that is a point of order.

Mr. GROSVENOR. I do not know that it is, but I call the gentleman's attention to it.

Mr. FARQUHAR. That is a point of law rather than a point of order.

Mr. STOCKBRIDGE. The effect of this act, I will say for the information of the House, is this: The act referred to was passed in the Fiftieth Congress, looking to the providing of new locks for registered mail pouches, in order to secure the greatest safety for them. By the terms of the act the Department construed that they are only authorized to accept locks which are not new merely in fact, but now in mechanical design.

As a matter of fact the Department has advertised, but has accepted no new lock, because none was presented which was believed to be superior to the existing lock. The effect of this amendment would be, in case any improvements are made on the existing lock, that a re-advertisement should be made, which would leave the matter open for any new lock manufactured.

Mr. HOLMAN. Is it recommended by the Postmaster-General?

Mr. STOCKBRIDGE. That is recommended by the Post-Office Department.

Mr. BINGHAM. It simply makes available an appropriation already made by Congress.

The SPEAKER. Is there objection to the consideration of the bill? The Chair hears none. The question is on ordering the bill to be engrossed for a third reading.

Mr. McMILLIN. Before it goes to that, Mr. Speaker, I did not understand the gentleman to say whether it was recommended by the Postmaster-General or not.

Mr. STOCKBRIDGE. It is; and it is also reported favorably by the committee.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. STOCKBRIDGE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEAVE TO SIT DURING VACATION.

The SPEAKER laid before the House (on behalf of Mr. CANNON) the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on Appropriations, or such subcommittee as they may designate, are hereby authorized to sit during the vacation for the purpose of considering and facilitating the business of the committee in advance of the next regular session, to be convened at such time as the chairman of said committee may order.

LEAVE TO PRINT.

The SPEAKER also laid before the House (on behalf of Mr. MORRILL) the following resolution; which was read, considered, and agreed to:

Resolved, That 25 copies of the testimony taken by the special committee to investigate charges against the Commissioner of Pensions be ordered to be printed for the use of the committee.

JAMES M. LOWRY.

Mr. CLEMENTS. I ask unanimous consent for the present consideration of the bill (H. R. 3449) for the relief of James M. Lowry.

The bill was read, as follows:

Be it enacted, etc., That the sum of \$217.73 be, and the same is hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, to James M. Lowry, of Whitfield County, Georgia, the same being balance due him for services rendered as assistant marshal in the eleventh enumerators' district of East Tennessee in taking the Eighth Census of the United States.

The SPEAKER. The gentleman from Georgia presents the following amendment.

The Clerk read as follows:

Amend by striking out the words "of Whitfield County, Georgia."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. KERR, of Iowa. I would like to hear a statement about the bill.

Mr. CLEMENTS. Mr. Speaker, this bill has been reported by the Committee on Claims in previous Congresses, and passed in the Forty-eighth Congress. It is simply a little balance. There was an appropriation made to pay all these claimants at one time in a lump sum; but the gentleman having this claim did not know of it until it was lapsed, and this is the only one of that class. I have a letter from the Department which explains it fully and shows that it was due and is unpaid.

The SPEAKER. Is there objection to the present consideration of the bill? The Chair hears none.

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. CANNON. I think we may as well have the regular order.

Several MEMBERS. Oh, no.

Mr. CANNON. I may as well withdraw it.

GRANT TO THE RIO GRANDE JUNCTION RAILWAY COMPANY.

Mr. TOWNSEND, of Colorado. I ask unanimous consent for the present consideration of the bill (S. 3938) to authorize the Secretary of the Interior to convey to the Rio Grande Junction Railway Company certain lands in the State of Colorado in lieu of certain other lands in said State conveyed by the said company to the United States.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized to convey in fee to the Rio Grande Junction Railway Company, for right of way and other necessary railroad purposes, a strip of land in Mesa County, State of Colorado, now held by the United States for school purposes in connection with Grand Junction Indian school, said land being described as follows: Beginning at a point on the Ute meridian 1,769.7 feet north of the southwest corner of section 18, township 1 south, of range 1 east of the Ute meridian; thence running northward along the said Ute meridian to the northwest corner of the southwest quarter of said section 18; thence easterly along the north line of the said southwest quarter of section 18 to the northeast corner of the said southwest quarter of section 18; thence in a southerly direction along the east line of the said southwest quarter of section 18 40 feet; thence in a straight line and in a southwesterly direction to the place of beginning, not to exceed in the aggregate 26.3 acres: *Provided*, That the said railway company shall first convey or cause to be conveyed to the United States in fee, which conveyance shall be satisfactory to the Attorney-General of the United States, the following-described land, in lieu of the land to be conveyed to the said company as herein provided: Commencing at the southeast corner of the southwest quarter of section 18, township 1 south, of range 1 east of the Ute meridian; thence running east along the south line of said section 18 70 rods; thence north 80 rods, more or less, to the north line of the southwest quarter of the southeast quarter of said section 18; thence west 70 rods to the east line of the southwest quarter of said section 18; thence south 80 rods, more or less, to the place of beginning; being the west 35 acres of the south half of the southeast quarter of section 18, township 1 south, of range 1 east of the Ute meridian, together with water rights appurtenant thereto, including 22 statute inches of water from the Mesa County ditch, for the irrigation of said land: *Provided further*, That the said railway company shall build and maintain a fence along the line of railway next to the school lands: *And provided also*, That the United States reserves the

unrestricted right of way for irrigation purposes over said land to be conveyed to said company as herein provided.

Mr. HOLMAN. I hope the report will be read.

The report (by Mr. TOWNSEND, of Colorado) was read, as follows:

The Committee on the Public Lands, to whom was referred Senate bill 3938, having had the same under consideration, make the following report:

The bill was referred by the Committee on Public Lands of the Senate to the honorable Secretary of the Interior; and the letters of the Hon. T. J. Morgan, Commissioner of Indian Affairs, the Hon. Lewis A. Groff, Commissioner of the General Land Office, and the Hon. George Chandler, Acting Secretary of the Interior, are herewith attached as a part of this report, and it appears from said letters that they favor said bill with certain amendments. The amendments indicated were made by the Senate and your committee can see no objection to the bill, and therefore recommend that the same do pass as it comes from the Senate without amendment. The objects of said bill are set forth in the report of the Committee on Public Lands of the Senate, and the same is herewith made a part of this report.

The Senate report (by Mr. TELLER) is as follows:

The Committee on Public Lands, to whom was referred Senate bill 3938, having had the same under consideration, make the following report:

It appears to be necessary in the construction of the Rio Grande Junction Railway to cross the northwest corner of the quarter-section of land on which the Grand Junction Indian school, in the State of Colorado, is located. It is proposed by this bill to exchange the land that will be cut off by the line of such railway from the main part of said school farm for other lands adjoining the school farm, and that can be reached without crossing the proposed railway track.

For the 26.3 acres to be conveyed to the railway company the said railway company is to convey to the Government, for the use of said school, 35 acres of land which is doubtless of equal value per acre with the land to be conveyed to the said railway company. This exchange is approved by the Department, as will be seen by the following:

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS, Washington, June 30, 1890.

SIR: I have received by Department reference for report Senate bill No. 3938, to authorize the Secretary of the Interior to convey to the Rio Grande Junction Railway Company certain lands in the State of Colorado, in lieu of certain other lands in said State conveyed by the said company to the United States.

The bill authorizes the Secretary of the Interior to convey in fee to the said company a strip of land not to exceed 26.3 acres to be taken from the northern portion of the tract of ground belonging to the Grand Junction Indian school, upon the condition that the company shall first convey to the United States in fee a portion of land aggregating 35 acres adjoining the southeastern portion of the reservation, with the water rights thereto belonging.

It is further provided that the United States shall maintain the unrestricted right of way for irrigation purposes in the land proposed to be conveyed to the company, and that the line of railway next to the school lands shall be securely fenced by the company.

This bill was first referred to the General Land Office for report, but as the lands proposed to be conveyed by the Government are held for Indian school purposes, it was returned to the Department with the suggestion that a report should be made upon the matter by this office.

The Commissioner of the General Land Office in his letter herewith returned adds, however, the following information with regard to the land proposed to be conveyed to the Government by the company: "Pre-emption cash entry No. 128, by George D. P. Whitson, made October 29, 1883, for the south half southeast quarter, section 18, and north half northeast quarter, section 19, township 1 south, range 1 east. Patent has not as yet issued upon said entry."

The matter of the proposed exchange of lands provided in the bill has been the subject of some correspondence between this office and the officials of the railway company, and also the superintendent of the Grand Junction Indian school, and after careful consideration I see no objection to the proposed exchange, provided the rights of the Government are fully protected.

I have the honor to submit for the consideration of the Department certain additions and amendments to the bill under consideration.

The description of the land proposed to be conveyed to the company by the Government is defective, and in line 12, after the word "one," the following words should be inserted: "south of range 1;" and after the word "east" the words "of the Ute meridian."

In view of the statement of the Commissioner of the General Land Office, that no patent has ever issued for the land proposed to be conveyed to the United States by the company, and in order that the Government may receive a perfect title in case the exchange is made, the following words should be inserted in line 23, after the word "deed": "which conveyance shall be satisfactory to the United States Attorney-General."

In my opinion the Government should not be required to fence the lands proposed to be conveyed to it by the company, and it is therefore suggested that after the word "lands," in line 40, the following words be inserted: "and also the tract of land which shall be conveyed to the Government as herein provided."

The bill is herewith returned, and I have the honor to state that if it shall be amended as herein indicated I see no objection to its approval.

Very respectfully, your obedient servant,

T. J. MORGAN, Commissioner.

The SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE, Washington, D. C., June 16, 1890.

SIR: I am in receipt, through reference for report, of Senate bill 3938, to authorize the Secretary of the Interior to convey to the Rio Grande Junction Railway Company certain lands in the State of Colorado, in lieu of certain other lands in said State conveyed by the said company to the United States. The lands sought to be conveyed to said company by this bill appear to be now held by the United States for school purposes in connection with the Grand Junction Indian school.

From inquiry, it is learned that the deeds and other papers looking to the proposed transfer are all on file in the Indian Office, and it would seem that any report as to the advisability of the transfer should be made by said office.

I might add, however, that the records of this office show as follows, in relation to the tract offered by the company, described as "being the west 35 acres of the south half of the southwest quarter of section 18, township 1 south, of range 1 east of the Ute meridian."

Pre-emption cash entry No. 128, "Gunnison series," by George D. P. Whitson, made October 29, 1883, for the south one-half, southeast quarter, section 18, and north one-half northeast quarter, section 19, township 1 south, range 1 east.

Patent has not as yet issued upon said entry.

The bill is herewith returned.

Very respectfully,

LEWIS A. GROFF, Commissioner.

The SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
Washington, July 2, 1896.

SIR: I have the honor to acknowledge the receipt, by your reference, of S. 8933, "A bill to authorize the Secretary of the Interior to convey to the Rio Grande Junction Railway Company certain lands in the State of Colorado, in lieu of certain other lands in said State conveyed by the said company to the United States."

In response thereto I transmit herewith copies of communications from the Commissioner of the General Land Office and Commissioner of Indian Affairs, dated June 16 and June 30, respectively.

The report of the Commissioner of the General Land Office shows that a portion of the land sought to be conveyed by the railroad company is covered by cash entry 126, "Gunnison series," by George D. P. Whitson—not yet patented—but on informal inquiry at the Land Office I am advised that this case is before the "board of equitable adjudication" for confirmation.

The Commissioner of Indian Affairs sees no objection to the proposed exchange, provided the rights of the Government are fully protected. He has amended the bill so as to correct the description of the land, providing that the deed of conveyance to the United States shall be satisfactory to the Attorney-General, and for fencing the lands conveyed to the United States.

The bill as amended is herewith returned.

Very respectfully,

GEO. CHANDLER, Acting Secretary.

The CHAIRMAN COMMITTEE ON PUBLIC LANDS,
United States Senate.

The committee recommend the following amendments, and that, as amended, it pass:

Amend Senate bill 8933 as follows:

In line 1, section 1, strike out the words "by patent."

In line 12, after the word "one," insert "south of range 1."

In said line 12, after the word "east," insert "of the Ute meridian."

In line 23, after the word "convey," insert "or cause to be conveyed."

In line 23, strike out the words "by deed" and insert "which conveyance shall be satisfactory to the Attorney-General of the United States."

In line 30, strike out the word "securely" and insert "build and maintain."

In line 41, strike out the word "maintain" and insert "reserve."

In line 42, strike out the word "in" and insert the word "over."

The SPEAKER. Is there objection to the consideration of the bill? The Chair hears none.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. TOWNSEND, of Colorado, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE OVER THE TENNESSEE RIVER.

Mr. ALLEN, of Mississippi. I ask unanimous consent for the present consideration of the bill (H. R. 10301) to extend the time for construction of bridge over the Tennessee River.

The bill was read at length for information.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. KILGORE. I object.

Mr. CANDLER, of Massachusetts. Mr. Speaker, I introduced that bill. It is simply an extension of the time. The charter has run out, and now they are ready to build the road. The bill is in regular form.

Mr. KILGORE. I object, Mr. Speaker.

Mr. McMILLIN. I think the bill is a proper one and should go through, and I hope that the gentleman will withdraw his objection.

The SPEAKER. Objection is made.

DANIEL W. PERKINS.

Mr. BLISS. Mr. Speaker, I ask unanimous consent for the consideration of the bill (H. R. 8846) for the relief of Daniel W. Perkins.

The bill was read at length for information.

The SPEAKER. Is there objection to the consideration?

Mr. KILGORE. I object.

Mr. CANNON. Regular order.

STATISTICS OF INTERNAL COMMERCE.

Mr. STIVERS, from the Committee on Printing, reported back the joint resolution (S. R. 53) authorizing the printing of the annual report of the Chief of the Bureau of Statistics on internal commerce for 1889.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives, etc., That there be printed 15,000 copies of the annual report of the Chief of the Bureau of Statistics for the year 1889; 5,000 copies for the use of the members of the Senate and 10,000 copies for the use of the members of the House of Representatives; and that the sum of \$3,284.50, or so much of the same as may be necessary to defray the expenses of printing such report, be appropriated and paid out of the money in the Treasury not otherwise appropriated.

The joint resolution was ordered to a third reading.

The question was taken on the passage of the joint resolution.

Mr. KILGORE. I ask for a division.

The House divided; and there were—ayes 44, noes 4.

Mr. KILGORE. There is no quorum present to do business.

Mr. VAUX. Mr. Speaker, I move that the House do now adjourn. We can not do business without a quorum.

The SPEAKER. The motion to adjourn is not debatable. [Laughter.]

Mr. VAUX. I know it is not.

The motion to adjourn was rejected—ayes 44, noes 48.

Mr. BUCHANAN, of New Jersey. Mr. Speaker, has it been determined that there is no quorum present? If it has, I move a call of the House.

The SPEAKER. The Chair thinks the gentleman from Texas [Mr. KILGORE] made the point of no quorum.

The SPEAKER counted the House and ascertained the presence of 97 members.

Mr. BUCHANAN, of New Jersey. I move a call of the House.

Mr. KERR, of Iowa. Pending that I move that the House adjourn. The motion was agreed to.

ENROLLED BILLS SIGNED.

Pending the announcement of the vote,

Mr. KENNEDY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a joint resolution and bills of the following titles; when the Speaker signed the same:

Joint resolution (S. R. 125) to extend the time of payment to settlers on the public lands in certain cases;

A bill (S. 125) for the relief of Reaney, Son & Archbold;

A bill (S. 270) for the relief of the assignees of John Roach, deceased;

A bill (S. 728) in recognition of the merits and services of Chief Engineer George Wallace Melville, United States Navy, and of the other officers and men of the Jeannette Arctic expedition;

A bill (S. 963) for the relief of Amos L. Allen, survivor of the firm of Larrabee & Allen;

A bill (S. 1857) for the relief of Charles P. Chouteau, survivor of Chouteau, Harrison and Valle;

A bill (S. 2212) relative to the Rancho Punta de la Laguna;

A bill (S. 2916) to remit the penalties on gunboat No. 2, known as the Petrel;

A bill (S. 3269) for the relief of the administratrix of the estate of George W. Lawrence;

A bill (S. 3532) granting a pension to Georgiana W. Vogdes;

A bill (S. 3716) to provide for the examination of certain officers of the Army and to regulate promotions therein;

A bill (S. 3952) to authorize the construction of a bridge across the Alabama River, at or near Selma, Ala., by the Selma and Cahawba Valley Railroad Company;

A bill (S. 4021) to authorize the commissioners of the District of Columbia to annul and cancel the subdivision of part of square 112, known as Cooke Park;

A bill (S. 4081) to provide for the incorporation of trust, loan, mortgage, and certain other corporations within the District of Columbia;

A bill (S. 4221) to confirm certain sales of the Kansas trust and diminished reserve lands in the State of Kansas;

A bill (S. 4309) granting the right of way to the Sherman and Northwestern Railway Company through the Indian Territory, and for other purposes;

A bill (S. 4354) to refer to the Court of Claims certain claims of the Shawnee and Delaware Indians and the freedmen of the Cherokee Nation, and for other purposes;

A bill (S. 4395) to authorize the construction of a bridge across the Missouri River at some accessible point in Boone County, in the State of Missouri;

A bill (S. 4396) authorizing the construction of a bridge across the Osage River at some accessible point in the county of Benton, in the State of Missouri;

A bill (S. 4398) giving, upon conditions and limitations therein contained, the assent of the United States to certain leases of rights to mine coal in the Choctaw Nation;

A bill (S. 4403) to provide an American register for the steamer Joseph Oteri, Jr., of New Orleans, La.;

A bill (S. 4405) to authorize the construction of a bridge across the Missouri River at the most accessible point within 1 mile above or below the town of Quindaro, in the county of Wyandotte and State of Kansas; and

A bill (H. R. 11469) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1890, and for prior years, and for other purposes.

The House then (at 3 o'clock and 48 minutes p. m.) adjourned.

RESOLUTIONS.

Under clause 3 of Rule XXII, the following resolution was introduced and referred as follows:

By Mr. OWENS, of Ohio (by request):

Resolved, That the commissioners of the District of Columbia be requested to inform the House of Representatives as speedily as possible whether the law requiring the capital stock of the street railroads in said District to be assessed at its fair cash value has been observed or not; to send forthwith certified copies of the annual return made under oath by the officers of said corporations as to the value of their stock and the assessment for the past five years; to inform the House of Representatives whether the president of the Washington and Georgetown Railroad Company has (or any other railroad company) been allowed to change the printed oath to his return, and, if so, why; to inform the House of Representatives whether the annual license tax of \$6 for each street-car has been collected for the past fifteen years, and, if not, why; whether any taxes, and, if so, what, have been assessed and collected on the cars, horses, and other personal property of said corporations for the past twelve years, and, if not, why not; and to send a tabulated statement of the assessment and tax account with said roads for the past ten years;

to the Committee on the District of Columbia.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred as follows:

A bill (S. 1677) granting a pension to John Speech, private Company B, One hundred and twenty-first United States Colored Infantry—to the Committee on Invalid Pensions.

A bill (S. 2047) granting a pension to Mrs. Esther J. Boone—to the Committee on Invalid Pensions.

A bill (S. 2761) granting a pension to Mrs. Sarah A. Asfold—to the Committee on Invalid Pensions.

A bill (S. 2808) for the relief of Amos Gilbert—to the Committee on Pensions.

A bill (S. 3258) granting a pension to Adaline L. Miller—to the Committee on Invalid Pensions.

A bill (S. 3438) for the relief of John K. Hummer—to the Committee on Invalid Pensions.

A bill (S. 3586) for the relief of Johanna Willoth—to the Committee on Invalid Pensions.

A bill (S. 4416) granting a pension to Thomas Richardson—to the Committee on Invalid Pensions.

A bill (S. 4341) granting a right of way across Fort Assiniboine military reservation to the Great Northern Railway—to the Committee on Military Affairs.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, reports of committees were delivered to the Clerk and disposed of as follows:

Mr. SAWYER, from the Committee on Invalid Pensions, reported with amendment the bill of the House (H. R. 12120) to increase the pension of Mary Condy Ringgold, mother of George H. Ringgold, late lieutenant-colonel and deputy paymaster-general, United States Army, accompanied by a report (No. 3228)—to the Committee of the Whole House.

Mr. YODER, from the Committee on Invalid Pensions, reported with amendment the bill of the House (H. R. 11311) granting an increase of pension to Eugene A. Osborn, accompanied by a report (No. 3229)—to the Committee of the Whole House.

Mr. VAN SCHAICK, from the Committee on Public Buildings and Grounds, reported with amendment the bill of the Senate (S. 1265) to provide for the purchase of a site for and the erection of a public building at Oakland, in the State of California, accompanied by a report (No. 3230)—to the Committee of the Whole House on the state of the Union.

Mr. THOMAS, from the Committee on War Claims, reported favorably the bill of the Senate (S. 3829) for the relief of Charles W. Cronk, accompanied by a report (No. 3231)—to the Committee of the Whole House.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported favorably the bill of the House (H. R. 2357) for the relief of Mrs. Louisa Jackman and the legal representatives of Mrs. Martha Vaughn, accompanied by a report (No. 3232)—to the Committee of the Whole House.

ADVERSE REPORT.

Under clause 2 of Rule XIII, an adverse report was delivered to the Clerk and laid on the table, as follows:

By Mr. BUCHANAN, of New Jersey, from the Committee on the Judiciary, on the bill (H. R. 10861) to amend section 3066 of the Revised Statutes of the United States, in relation to issue of warrants in certain cases. (Report No. 3233.)

BILLS AND JOINT RESOLUTIONS.

Under clause 3 of Rule XXII, a bill and a joint resolution of the following titles were introduced, severally read twice, and referred as follows:

By Mr. WALLACE, of New York: A bill (H. R. 12188) authorizing refund of duties on certain goods—to the Committee on Ways and Means.

By Mr. CUMMINGS: Joint resolution (H. Res. 234) to increase from 50 to 100 the number of copies of the eulogies on the late Samuel Sullivan Cox to be delivered to his widow—to the Committee on Printing.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. GREENHALGE (by request): A bill (H. R. 12189) for the relief and payment of certain moneys to the heirs and legal representatives of the late Jeremiah French—to the Committee on War Claims.

By Mr. MUDD: A bill (H. R. 12190) for the relief of the attendants on the insane at Hospital for the Insane in the District of Columbia—to the Committee on the District of Columbia.

By Mr. PEEL: A bill (H. R. 12191) for the relief of the legal representatives of Calvin B. Cunningham—to the Committee on War Claims.

Also, a bill (H. R. 12192) for the relief of William D. McBride—to the Committee on War Claims.

By Mr. PERKINS: A bill (H. R. 12193) granting a pension to Benjamin F. Brown, of Kansas—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12194) for the relief of Ephraim A. Brown, of Kansas—to the Committee on Military Affairs.

By Mr. TRACEY: A bill (H. R. 12195) to pension Hannah C. Reid—to the Committee on Invalid Pensions.

By Mr. WADDILL: A bill (H. R. 12196) for the relief of James T. Caldwell—to the Committee on War Claims.

Also, a bill (H. R. 12197) for the relief of George Munn, of the city of Manchester, in the State of Virginia—to the Committee on War Claims.

Also, a bill (H. R. 12198) for the relief of the estate of Alexander Myers, late of Henrico County, Virginia—to the Committee on War Claims.

Also, a bill (H. R. 12199) to relieve Peter Tresnon from the charge of desertion—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BLISS: Petition of Charles Sumner Post Woman's Relief Corps, of Sumner, Mich., praying passage of a bill granting a pension to Anna Ella Carroll, an army nurse—to the Committee on Invalid Pensions.

By Mr. BUCKALEW: Petition of 128 citizens of Pennsylvania for the passage of a national Sunday-rest law—to the Committee on Labor.

By Mr. CARUTH: Petition of Business Men's Association and Exchange, of Syracuse, N. Y., in favor of placing mailing boxes at railroad stations—to the Committee on the Post-Office and Post-Roads.

By Mr. CONGER: Resolution of citizens meeting in Cooper Institute, New York, favoring the eight-hour law for postal clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. MCOMAS: Petition and papers in claim of J. A. Romsburg—to the Committee on War Claims.

By Mr. PEEL: Petition of Mary Qualls, for property taken by Federal troops during the late war—to the Committee on War Claims.

Also, petition of William D. McBride, praying that his claim for property taken by the Army during the late war be referred to the Court of Claims—to the Committee on War Claims.

SENATE.

WEDNESDAY, October 1, 1890.

The Senate met at 12 o'clock m.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

On motion of Mr. EDMUNDS, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

NOTIFICATION TO THE PRESIDENT.

Mr. SHERMAN. I ask the consent of the Senate to submit the following resolution:

Resolved, That a committee of two Senators be appointed on the part of the Senate to join such committee as may be appointed by the House of Representatives to wait on the President of the United States and inform him that unless he may have any further communication to make, the two Houses are now ready to adjourn.

I ask for the present consideration of the resolution.

Mr. BLAIR. I desire before any adjournment to call up the labor bill which is now the unfinished business, and to ask action upon it. I should not like to have any resolution passed which would at all interfere with the disposition of that measure.

Mr. SHERMAN. This is simply a formal resolution to call on the President to ascertain whether he has any further communication to make. It will not interfere with the bill the Senator has in charge.

Mr. BLAIR. But it also contains a statement that the Senate is ready to adjourn if the President has nothing further to communicate. I insist that the Senate shall consider the labor bill, and I shall, as soon as the proper moment arrives, move to proceed to its consideration.

The VICE-PRESIDENT. Does the Chair understand the Senator from New Hampshire to object to the present consideration of the resolution?

Mr. BLAIR. I object to its consideration if it is to interfere at all with the consideration of the labor bill.

Mr. SHERMAN. It will not interfere with it.

Mr. EDMUNDS. It will not interfere with the motion the Senator designs to make.

Mr. SHERMAN. It is the ordinary courteous message to the President.

Mr. BLAIR. I know it is quite ordinary, but it concludes with an intimation that the Senate is ready to adjourn.

The VICE-PRESIDENT. Does the Senator from New Hampshire object to the present consideration of the resolution?

Mr. BLAIR. I withdraw the objection on the suggestion that it will not interfere with the consideration of the labor bill.

The VICE-PRESIDENT. There being no objection to the present consideration of the resolution, the question is on agreeing to the same.

The resolution was agreed to; and the Vice-President appointed as the committee on the part of the Senate Mr. SHERMAN and Mr. HARRIS.

PETITIONS AND MEMORIALS.

Mr. COCKRELL. By request, I present a memorial of the national convention of representatives of the commercial bodies of the United States in favor of the passage of the Torrey bankrupt bill. I move that it be printed as a miscellaneous document, and, as the bill has been reported, that it lie on the table.

The motion was agreed to.

Mr. HOAR. I present the petition of E. N. Hill, a citizen of the United States, praying for the passage of a national election law. The petition contains some figures, and I move that it be printed as a miscellaneous document, and that it lie on the table.

The motion was agreed to.

Mr. BLAIR. I present a memorial of the Federation of Labor of the District of Columbia, dated October 1, 1890, addressed to the Senate, which is as follows:

Whereas a law was enacted in 1868 which was intended to limit the hours of labor on public work to eight hours per day, and which, if fairly interpreted and honestly executed, would, in the judgment of this body, so limit and regulate the hours of labor of employes of the Government; and

Whereas said law has never been enforced in accordance with its true spirit and intent, but, on the contrary, has been shamefully evaded and flagrantly violated almost continuously from the date of its passage by contractors and executive officers or their agents in compelling or permitting laborers, workmen, and mechanics employed by or on behalf of the Government to work more than eight hours per calendar day, and is being evaded and violated at the present time; and

Whereas, in compliance with the request of the organized workmen of the country, the House of Representatives passed a bill (H. R. 9791) which, with the amendments recommended by this body, will remedy the defects of the original law and compel its enforcement; Therefore,

Resolved, That the Federation of Labor again respectfully but very earnestly requests the Senate and House of Representatives to consider and pass the bill "constituting eight hours a day's work for all laborers, workmen, and mechanics employed by or on behalf of the Government of the United States," etc., with the amendments recommended by the Federation during the present session of Congress.

Resolved, That Senator BLAIR, chairman of the Committee on Education and Labor, be requested to present these resolutions to the Senate at the earliest possible moment to-morrow (Wednesday) morning.

JOSEPH K. POTTER, Secretary.

I move that the memorial lie on the table, the bill having been reported.

The motion was agreed to.

Mr. MANDERSON presented a petition of citizens of Wayne County, Nebraska, praying for the passage of Senate bill 3991, known as the Paddock pure-food bill; which was referred to the Committee on Agriculture and Forestry.

Mr. PADDOCK presented a petition of the Board of Trade of St. Joseph, Mo., praying that the duty on beans may be reduced or altogether removed; which was ordered to lie on the table.

He also presented a memorial of the jobbers and wholesale dealers in groceries and provisions of Chicago, Ill., a memorial of wholesale merchants of Providence, R. I.; a memorial of the Retail Grocers' Association of Brooklyn, N. Y.; a memorial of the Grocers and Importers' Exchange of Philadelphia, Pa.; a memorial of the Wholesale Grocers' Association of Detroit, Mich.; a memorial of the jobbers and wholesale dealers in groceries and provisions, of the State of Maine, and a memorial of the jobbers and wholesale dealers in groceries and provisions, of Steubenville, Ohio, remonstrating against the passage of the Conger lard bill; which were referred to the Committee on Agriculture and Forestry.

REPORTS OF COMMITTEES.

Mr. SAWYER, from the Committee on Commerce, to whom was referred the bill (H. R. 9852) to authorize the Lake Charles Road and Bridge Company, of Lake Charles, La., to construct and maintain bridges across English Bayou and Calcasieu River, reported it without amendment.

He also, from the Committee on Pensions, to whom was referred the bill (H. R. 9236) granting a pension to Mrs. Margaret O'Connor, now Sullivan, reported it without amendment, and submitted a report thereon.

Mr. DAVIS, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 12013) to pension John D. Bagby;

A bill (H. R. 6356) for the relief of Martha A. Foster;

A bill (H. R. 6635) for the relief of George R. Wright;

A bill (H. R. 4728) for the relief of Henry W. Burlingame;

A bill (H. R. 6359) for the relief of Mrs. Charity P. Harrison; and

A bill (H. R. 6663) for the relief of James S. Smith.

Mr. MANDERSON, from the Committee on Printing, to whom was referred the bill (S. 3096) to revise the wages of certain employes in the Government Printing Office, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H.

R. 8046) to revise the wages of certain employes in the Government Printing Office, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1893) to publish the Revised Statutes, reported adversely thereon, and the bill was postponed indefinitely.

PRINTING OF ACTS

Mr. MANDERSON. I am directed by the Committee on Printing, to whom was referred the resolution submitted by the Senator from Kansas [Mr. INGALLS] for the printing of the silver bill and the anti-trust bill, to report it with an amendment, and I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the resolution; which was read, as follows:

Ordered, That 500 copies of public act 214 and the anti-trust bill be reprinted for the use of the Senate.

Mr. COCKRELL. What is public act 214?

Mr. MANDERSON. The silver bill is the first act referred to. I move to amend the resolution by inserting, after the word "reprinted," the words "in pamphlet form."

The amendment was agreed to.

Mr. BLACKBURN. Five hundred copies of each are to be printed? Mr. MANDERSON. Five hundred of each. After the word "copies" I move to insert the word "each."

The amendment was agreed to.

The resolution as amended was agreed to.

INTERNATIONAL AMERICAN CONFERENCE.

Mr. MANDERSON, from the Committee on Printing, to whom was referred the concurrent resolution submitted by Mr. FRYE on the 29th ultimo, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring). That there be printed 10,000 extra copies of the reports of committees and discussions thereon, of the International American Conference; 2,000 of which shall be for the use of the Senate, 4,000 for the use of the House, and 4,000 for distribution by the State Department.

PRINTING OF TARIFF LAW.

Mr. MANDERSON, from the Committee on Printing, reported the following resolution; and it was considered by unanimous consent, and agreed to:

Resolved, That there be printed for the use of the Senate 10,000 copies of the tariff law of the present session and also of the tariff law of 1893, in such form as to show comparison between the laws, under the direction of the Committee on Printing.

Mr. EDMUNDS. I move that the Senate proceed to the consideration of executive business.

Mr. STEWART. Before that motion is put I desire to introduce a bill.

Mr. EDMUNDS. I withdraw the motion for a moment. There is some little further morning business to be transacted.

BILLS INTRODUCED.

Mr. STEWART (by request) introduced a bill (S. 4450) prescribing the qualifications of jurors in the Territories, and for other purposes; which was read twice by its title, and referred to the Committee on Territories.

Mr. MANDERSON introduced a bill (S. 4451) for the relief of the Star Arms Company; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

ADJUSTMENT OF ACCOUNTS UNDER EIGHT-HOUR LAW.

The VICE-PRESIDENT. Is there further morning business?

Mr. BLAIR. Mr. President—

The VICE-PRESIDENT. Does the Senator from New Hampshire rise to morning business?

Mr. BLAIR. I should like to ask unanimous consent to say, before the motion of the Senator from Vermont is put, that the bill to which I ask attention is one that has been already partially, and I should think probably nearly wholly, considered by the Senate. The Senate adjourned last Saturday for the want of a quorum, otherwise it would no doubt have disposed of the bill at that time. If it is to be acted upon it is almost absolutely essential that it shall be acted upon at this time, in order that there may be the opportunity of getting it to the President. Although the motion of the Senator from Vermont is a privileged motion, I ask him to withhold it that I may request the Senate to complete the consideration of the unfinished business. I do not think it will take ten minutes.

Mr. HARRIS. What is the pending motion?

Mr. BLAIR. There is no motion pending, but one is about to be submitted by the Senator from Vermont.

Mr. EDMUNDS. I had made a motion for an executive session, but withdrew it for morning business for the time being. As Senators all understand, it is extremely important to the public interests that an executive session should be held.

Mr. HARRIS. It is important, and we ought to have an executive session at the earliest moment possible.

Mr. EDMUNDS. With great respect to my friend from New Hampshire, I hope he will allow us to have an executive session at this time.

Mr. BLAIR. It is a privileged motion. Of course I can not object to the motion; but I wish to state the circumstances and appeal to the Senator from Vermont to allow the bill to be considered.

Mr. EDMUNDS. I shall be most glad to join with my friend from New Hampshire in passing a suitable bill of the title he names, but it is absolutely impossible that such a bill can become a law at this session, for it will have to go back to the House of Representatives, to which I can only refer in the most general way as being probably somewhat short in the number of its members.

Mr. BLAIR. Still the Senator perhaps is laboring under a mistake as to the bill I refer to. He probably thinks it is the general eight-hour law. I refer to one which has been passed by the Senate in a former Congress, a House bill coming to us providing for the reimbursement of the arrears of labor performed beyond the eight hours per diem.

Mr. EDMUNDS. I understand what the bill is; but it has been amended, or ought to be, as I saw it last, in respect of not making mere gifts to people who with a perfect understanding agreed to do a certain amount of work for a certain price and got it. The other people, who under a kind of moral or other coercion had to work longer for the pay that was allowed for eight hours, are really entitled to consideration, I agree, and ought to be paid.

Mr. BLAIR. I propose to substitute for the bill as it passed the House the bill which was passed by the Senate formerly with no opposition.

Mr. EDMUNDS. The result of that of course would be a question between the two Houses, and it is impossible, I am sure I can say without violating parliamentary law, that such a bill can become a law at this session. I must therefore insist on my motion.

EXECUTIVE SESSION.

The VICE-PRESIDENT. The Senator from Vermont moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour spent in executive session the doors were reopened.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 789) opening to settlement a portion of the Fort Randall military reservation, in South Dakota.

TARIFF COMPILATION.

Mr. JONES, of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the following resolution, submitted by Mr. ALDRICH September 30, 1890, reported it without amendment:

Ordered, That the Committee on Finance have authority to collate, index, and print such testimony as may be on file with the committee in connection with the bill H. R. 9416, together with any other data relative to tariff matters they may deem valuable, the expense therefor to be paid from the contingent fund of the Senate.

The VICE-PRESIDENT. Does the Senator from Nevada ask for the present consideration of the resolution?

Mr. JONES, of Nevada. I do.

Mr. GORMAN. Let it go over for a few moments.

The VICE-PRESIDENT. The resolution will be laid over.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had, on the 30th ultimo, approved and signed the following acts and joint resolution:

An act (S. 160) to open abandoned military reservations in the State of Nevada to homestead entry;

An act (S. 181) for the relief of the estate of Thomas Niles, deceased;

An act (S. 435) granting a pension to Malinda Collins;

An act (S. 497) to provide for the sale of certain New York Indian lands in Kansas;

An act (S. 573) granting an increase of pension to Mark F. Carter;

An act (S. 728) in recognition of the merits and services of Chief Engineer George Wallace Melville, United States Navy, and of the other officers and men of the Jeannette Arctic expedition;

An act (S. 754) granting a pension to James Malin;

An act (S. 768) granting a pension to Frederick H. Macke;

An act (S. 792) granting a pension to Martha J. Dodge;

An act (S. 987) granting a pension to Mary L. Miller;

An act (S. 1040) granting a pension to Thomas H. Wilkerson;

An act (S. 1059) granting an increase of pension to William W. Bliss;

An act (S. 1154) to increase the pension of James Johnston;

An act (S. 1195) for the relief of Snowdon & Mason;

An act (S. 1237) granting a pension to Mary E. Crimmins, widow of Patrick Crimmins;

An act (S. 1468) granting a pension to Betsey Mower;

An act (S. 1480) granting a pension to Wick Morgan;

An act (S. 1640) granting a pension to Helen A. Beebe;

An act (S. 1705) granting a pension to Ira Manley;

An act (S. 1706) granting a pension to John Morgan;

An act (S. 1712) granting a pension to Cynthia A. Gudgeon;

An act (S. 1812) granting an increase of pension to Emily F. Warren;

An act (S. 1840) granting a pension to Sallie Douglass Hartranft;

An act (S. 2212) relative to the Rancho Punta de la Laguna;

An act (S. 2216) granting a pension to Mrs. Anna L. Taylor;

An act (S. 2238) granting a pension to Elizabeth Rumsey, army nurse;

An act (S. 2560) to increase the pension of Nelson Monroe;

An act (S. 2574) granting a pension to Benjamin F. Brown;

An act (S. 2575) granting an increase of pension to Margaret Flaherty;

An act (S. 2805) to provide for the disposal of the Old Fort Lyon and Fort Lyon and Pagosa Springs military reservations, in the State of Colorado, to actual settlers under the provisions of the homestead laws;

An act (S. 2916) to remit the penalties on gunboat No. 2, known as the Petrel;

An act (S. 3159) granting a pension to Albert P. Davis;

An act (S. 3183) granting a pension to Amanda M. Smyth;

An act (S. 3234) granting a pension to Harriet B. Hamilton;

An act (S. 3269) for the relief of the administratrix of the estate of George W. Lawrence;

An act (S. 3275) granting a pension to John William Cable;

An act (S. 3332) granting an increase of pension to Margaret E. Pierce;

An act (S. 3342) granting a pension to Andrew Hopper;

An act (S. 3448) granting a pension to Clara H. McIntire;

An act (S. 3538) granting a pension to John W. Bennett;

An act (S. 3532) granting a pension to Georgiana W. Vogdes;

An act (S. 3543) granting a pension to Salina B. Merriek;

An act (S. 3649) granting an increase of pension to Katherine W. Howell;

An act (S. 3716) to provide for the examination of certain officers of the Army and to regulate promotions therein;

An act (S. 3756) for the relief of William Elmendorf;

An act (S. 3760) granting a pension to J. Seaton Kelso;

An act (S. 3798) to authorize the Mobile, Jackson and Kansas City Railroad Company to cross certain rivers in the State of Mississippi;

An act (S. 3801) authorizing the use of the Louisville and Portland Canal basin on certain conditions;

An act (S. 3816) granting a pension to Margaret D. Marchand;

An act (S. 3895) to amend an act entitled "An act to establish a railway bridge across the Illinois River, extending from a point within 5 miles of Columbiana, in Greene County, to a point within 5 miles of Farrowtown, in Calhoun County, in the State of Illinois," approved March 3, 1883;

An act (S. 3948) granting a pension to Morris Leavy;

An act (S. 3952) to authorize the construction of a bridge across the Alabama River at or near Selma, Ala., by the Selma and Cahawba Valley Railroad Company;

An act (S. 3988) granting a pension to Joseph B. Sellers;

An act (S. 4046) granting a pension to William Norwood;

An act (S. 4011) to authorize the Canaveral and South Florida Railroad Company to construct and maintain a bridge across the Indian River and one across the Banana River, both in the State of Florida, and to establish the same in each case as a post-road;

An act (S. 4034) for the relief of William J. Martin;

An act (S. 4021) to authorize the commissioners of the District of Columbia to annul and cancel the subdivision of part of square 112, known as Cooke Park;

An act (S. 4081) to provide for the incorporation of trust, loan, mortgage, and certain other corporations within the District of Columbia;

An act (S. 4221) to confirm certain sales of the Kansas trust and diminished reserve lands in the State of Kansas;

An act (S. 4209) granting a pension to Henry W. Haley;

An act (S. 4243) granting an increase of pension to Gurden L. Wight;

An act (S. 4254) granting a pension to Eliza Wallace;

An act (S. 4297) to authorize the Seneca Nation of New York Indians to lease lands within the Cattaraugus and Allegany reservations, and to confirm existing leases;

An act (S. 4309) granting the right of way to the Sherman and Northwestern Railway Company through the Indian Territory, and for other purposes;

An act (S. 4322) to authorize the construction of a bridge across the Kentucky River and its tributaries by the Louisville, Covington and Cincinnati Railway Company, the Carrollton and Louisville Railroad Company, and the Westport, Carrollton and Covington Railway Company, and their assigns;

An act (S. 4334) to authorize the building of a bridge at Dardanelle, Ark., across the Arkansas River;

An act (S. 4354) to refer to the Court of Claims certain claims of the Shawnee and Delaware Indians and the freedmen of the Cherokee Nation, and for other purposes;

An act (S. 4395) to authorize the construction of a bridge across the Missouri River at some accessible point in Boone County, in the State of Missouri;

An act (S. 4396) authorizing the construction of a bridge across the Osage River at some accessible point in the county of Benton, in the State of Missouri;

✓ An act (S. 4398) giving, upon conditions and limitations therein contained, the assent of the United States to certain leases of rights to mine coal in the Choctaw Nation;

An act (S. 4403) to provide an American register for the steamer Joseph Oteri, Jr., of New Orleans, La.;

An act (S. 4405) to authorize the construction of a bridge across the Missouri River at the most accessible point within 1 mile above or below the town of Quindaro, in the county of Wyandotte, and State of Kansas; and

Joint resolution (S. R. 125) to extend the time of payment to settlers on the public lands in certain cases.

LAND SURVEYS.

Mr. PLUMB. I present the report of the committee of conference on House bill 10639.

The VICE-PRESIDENT. The report will be read.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10639) to amend section 2, act of May 30, 1862, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows; so that the bill as amended will read:

"That section 2399 of the Revised Statutes of the United States be amended so as to read:

"Sec. 2399. The printed manual of surveying instructions for the survey of public lands of the United States and private land claims, prepared at the General Land Office and bearing date December 2, 1893, the instructions of the Commissioner of the General Land Office, and the special instructions of the surveyor-general, when not in conflict with said printed manual, or the instructions of said Commissioner, shall be taken and deemed to be a part of every contract for surveying the public lands of the United States and private land claims."

Amend the title so as to read: "An act to amend section 2399 of the Revised Statutes of the United States."

P. B. PLUMB,

J. N. DOLPH,

Managers on the part of the Senate.

L. E. PAYSON,

E. J. TURNER,

W. S. HOLMAN,

Managers on the part of the House of Representatives.

The VICE-PRESIDENT. The question is on concurring in the report of the committee of conference.

Mr. EDMUNDS. I ask that that may be laid aside for a few moments. I want to look at it.

Mr. PLUMB. I can state to the Senator that the only difference between the law as it is proposed to be and as it is now is that that section of the Revised Statutes provides for making a certain manual of instruction prepared many years ago a part of the surveying contracts. It has now been superseded by another and it is deemed advisable to have the law in accordance with the fact. That is the only effect of the bill, and I am certain it can not be objected to. It was drawn in the Department. The only necessity for a conference grew out of the fact that the wrong section of the statutes was mentioned in the Senate amendment.

Mr. EDMUNDS. That manual, this bill says, shall be taken to be a part of every contract, and the nature of that manual is instructions as to the method of survey and everything of that kind.

Mr. PLUMB. If this bill is not passed they will have to be embodied at great length, and it is a volume of probably 300 pages.

Mr. EDMUNDS. Is there anything in it that will give anybody any more land than he has now?

Mr. PLUMB. It has nothing to do with the area of land at all. It simply refers to the surveys.

Mr. EDMUNDS. All right. I withdraw my request.

The VICE-PRESIDENT. The question is on concurring in the report of the conference committee.

The report was concurred in.

MISSISSIPPI RIVER IMPROVEMENT.

Mr. JONES, of Nevada. I ask leave to submit at this time the views of the minority of the Committee on Commerce on Senate bill 2792, and I ask that the usual number of copies be printed.

Mr. EDMUNDS. Is that the Mississippi River bill?

Mr. COCKRELL. What bill is that? Let us have the title of the bill read.

The VICE-PRESIDENT. The title of the bill will be stated.

The CHIEF CLERK. A bill (S. 2792) to make the Lake Borgne outlet and to improve the low-water channel of the Lower Mississippi River, and for other purposes.

Mr. JONES, of Nevada. I ask that the usual number of copies of the views of the minority may be printed.

The VICE-PRESIDENT. That order will be made, in the absence of objection.

COMMITTEE ON PRINTING.

Mr. MANDERSON. I offer a resolution for which I ask present consideration.

The VICE-PRESIDENT. The resolution will be read.

The Chief Clerk read as follows:

Resolved, That the Committee on Printing, as at present constituted, be, and is hereby, authorized to sit during the coming recess.

By unanimous consent, the Senate proceeded to consider the resolution.

Mr. COCKRELL. I should like to ask the Senator from Nebraska if that is the usual resolution.

Mr. MANDERSON. That is the resolution always passed at the end of a session for the reason that the Committee on Printing are charged by law with the supervision of contracts made by the Public Printer with lithographers, etc., and for that reason there must be an occasional sitting or action by the committee as such. It involves no expenditure whatever and no charge on the contingent fund.

Mr. COCKRELL. I was under the impression that it had always been the rule, or the practice at least, for I do not believe there has been any rule of the Senate on the subject, that the committee should be continued during the recess.

Mr. MANDERSON. Since I have been in the Senate the practice has always been to pass a resolution in the exact words of the resolution I have offered.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

DIGEST OF CLAIMS.

Mr. MANDERSON. I am directed by the Committee on Printing to report back favorably a House concurrent resolution; and I ask for its present consideration.

The VICE-PRESIDENT. The resolution will be read.

The Chief Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed 500 copies of the digest of claims referred by Congress to the Court of Claims for a finding of facts under the provisions of the act approved March 3, 1883, known as the Bowman act, now in manuscript, prepared under resolution of the House of Representatives on March 7, 1888, the same when printed to be placed in the hands of the Clerk of the House for the use of Senators and Members of the House.

By unanimous consent, the Senate proceeded to consider the resolution.

Mr. COCKRELL. Let it be again read.

The VICE-PRESIDENT. The resolution will be again read.

The Chief Clerk read the resolution.

Mr. MANDERSON. I will explain this to the Senator so that it will be understood. Under a resolution of the House one of the officials of that body prepared a list of all claims that had been referred under the Bowman act.

Mr. COCKRELL. By the House alone?

Mr. MANDERSON. By the House alone; and I think there are some five or six thousand cases that have been thus referred. As the matter is in manuscript it is valueless for reference, and the House has therefore passed this resolution to print this digest to the extent of 500 copies for the use of both Houses.

Mr. EDMUNDS. The Senate references are not included?

Mr. MANDERSON. They are not included there.

Mr. EDMUNDS. They ought to be.

Mr. COCKRELL. Under the Bowman act, as it is called, a committee of Congress can refer a case to the Court of Claims, or either House can refer a claim. Now, as I understand it, a large number of cases have at divers times been referred by House committees—

Mr. MANDERSON. And by the House itself.

Mr. COCKRELL. To the Court of Claims; and some have been referred also, but not very numerous, by the Senate. This digest only includes the claims which have been referred by the House or its committees. I think we ought to have the claims referred by the Senate included in it.

Mr. MANDERSON. That can very easily be reached by a resolution at the next session of Congress, which will be in a very short time. I presume the number referred by the Senate and its committees will run into a few hundred.

Mr. COCKRELL. I do not think there have been a hundred claims referred by the Senate. It seems to me it would be a very small matter to include those, and then we should have them all before us. We ought to have them included, because I am getting letters occasionally about claims, and when I go to hunt them up I find finally they have been referred to the Court of Claims by the House.

Mr. MANDERSON. Allow me to suggest to the Senator that this is a matter which seems to be largely a matter of detail for the House itself to determine.

Mr. COCKRELL. It is just as important to us as to the House.

Mr. MANDERSON. There is no trouble about our passing a Senate resolution that will reach the same matter so far as the Senate is concerned, because the expense of collating them and printing the names of the cases would be trifling. But this expense is over \$500, and therefore it requires the action of both Houses. It looks to me as if it was a matter that concerned the conduct of the House of Representatives.

Mr. COCKRELL. It ought to be printed so that it will be of some service to the Senate as well as to the House. We have to consider

these cases, and none of them can become laws without the Senate having before it the facts in each case.

Mr. MANDERSON. I do not see why it would not be valuable to the Senate as well as to the House to have this long list of cases which have been thus referred to the Court of Claims, but if the concurrent resolution is to be amended it might as well, under existing circumstances, be defeated, because probably it can not be acted upon again in the House.

Mr. EDMUNDS. I suggest to the chairman of the Committee on Printing what the Senator from Missouri has so well said, that the value of this document will largely consist in its containing the list of all the claims that have been sent from each House to the Court of Claims, and not from one alone. That is agreed to. Nobody disputes that. This resolution does not provide for it, and the House, as a matter of delicacy (because we know it is very delicate about the Senate always as a co-ordinate branch), only named its own document, leaving the Senate to add the Senate document if it wishes to do so. The thing that ought to be done is to print in one book the references from both Houses, and print them like the list of private claims that we have had printed from time to time, so that if a particular case comes up a Senator can turn to the document and see what it is.

Mr. MANDERSON. That would imply a complete revision of this work that has been performed by the House officials. There has been no collation of such cases by any officer of the Senate and no resolution of the Senate upon that question. The House, however, has acted as to this large mass of claims. The course that is referred to can very easily be taken by another resolution, and this, it seems to me, is the proper thing to act on at this time. I ask for the question on the resolution.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

THOMAS T. COLLINS.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate:

In response to the resolution of the Senate of September 17, 1890, I inclose a report from the Secretary of State, transmitting all the correspondence found among the files of his Department relating to the claim of Thomas T. Collins against the Government of Spain.

BENJ. HARRISON.

EXECUTIVE MANSION,
Washington, October 1, 1890.

CHARLES P. CHOUTEAU—VETO MESSAGE.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States:

To the Senate:

I return without my approval Senate bill No. 1857, "for the relief of Charles P. Chouteau, survivor of Chouteau, Harrison & Valle." This claim has been once presented to the Court of Claims and fully heard. This bill authorizes a rehearing. I find upon examination that every fact connected with the case necessary to the determination of the question whether the claim should be appropriated for has already been found and stated by the Court of Claims in a published opinion. Judgment was given against the claimant upon the ground that a settlement had been made and a receipt given in full. If in the opinion of Congress this receipt, given under the circumstances which accompanied it, should not be held a bar to such further appropriation as is equitable, all the facts have been found that can be necessary to determine the question what further payment should be made to the contractors. There can be no reason, as it seems to me, for a retrial of the case in the Court of Claims in the absence of any showing of newly discovered evidence. The result would only differ from the result already obtained, in that under the bill which I return the court would enter a judgment instead of a finding, and the judgment could only be paid after Congressional action.

The finding which has already been made, as I have said, is a complete basis for any such action as Congress may think should be taken in the premises.

BENJ. HARRISON.

EXECUTIVE MANSION, October 1, 1890.

The VICE-PRESIDENT. The question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

Mr. EDMUNDS. Let the message be referred to the Committee on Claims.

Mr. HOAR. It is hardly worth while to make that reference now. Let it lie on the table.

The VICE-PRESIDENT. The message will lie on the table and be printed, in the absence of objection.

POOL-SELLING IN THE DISTRICT—VETO MESSAGE.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read:

To the Senate:

I return without my approval the bill (S. 3350) "to prohibit book-making of any kind and pool-selling in the District of Columbia for the purpose of gaming."

My objection to the bill is that it does not prohibit book-making and pool-selling, but on the contrary expressly saves from the operation of its prohibitions and penalties the Washington Jockey Club "and any other regular organizations owning race tracks not less than 1 mile in length," etc.

If this form of gambling is to be prohibited, as I think it should be, the penalties should include all persons and all places.

BENJ. HARRISON.

EXECUTIVE MANSION, October 1, 1890.

The VICE-PRESIDENT. The question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

Mr. EDMUNDS. I move that the message lie on the table and be printed.

The motion was agreed to.

PORTLAND COMPANY, OF PORTLAND, ME.—VETO MESSAGE.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read:

To the Senate:

I return to the Senate, without my approval, the bill (S. No. 473) for the relief of the Portland Company, of Portland, Me.

This bill confers upon the Court of Claims jurisdiction to inquire into and determine how much certain steam-machinery, built for the United States under contract and to be used in the vessels Agawan and Pontoonac, cost the contractors over and above the contract price, and any allowances for extra work which have been made, and requires the court to enter judgment in favor of the claimant for the excess of cost above such contract price and allowances.

The bill differs from others which have been presented to me, and one of which I have approved, in that it does not make the further allowance to the contractors contingent upon the fact that the additional expense was the result of the acts of the Government, through its officers, causing delays and increased cost in the construction of the work.

The bill in effect directs the court to ignore the contract entirely, except as payments under it are to be treated as credits, and to allow the contractors the cost of the work, and that without reference to their own negligence or want of skill in executing the work. There would seem to be no object in the Government making a contract for work if the contract is only to be binding upon the parties in the event that the contractor realizes a profit.

I can not give my approval to the proposition applied here, which, if allowed here, should be given general application, that every contractor with the Government who, during the early days of the war, failed to realize, by reason of increase in cost of labor and materials, a profit upon the contract shall now have access to the Court of Claims to recover upon the *quantum meruit* the cost of the work.

BENJ. HARRISON.

EXECUTIVE MANSION, October 1, 1890.

Mr. EDMUNDS. I move that the message lie on the table and be printed.

The motion was agreed to.

FORT BROWN MILITARY RESERVATION.

Mr. HAWLEY. In behalf of the Committee on Military Affairs, I submit a report upon a resolution which was referred to that committee directing an inquiry into the value of Fort Brown military reservation. It requires no action. It should be printed.

Mr. ALLISON. I think I had the resolution to which that report refers submitted to the Committee on Military Affairs. The Senator from Connecticut has explained to me that a full examination has been made into the facts, and I am satisfied with the report as made by him.

Mr. HAWLEY. The report should be printed. Let the order be entered.

The VICE-PRESIDENT. The report will be printed and lie on the table.

ADJUSTMENT OF ACCOUNTS UNDER EIGHT-HOUR LAW.

Mr. BLAIR. Mr. President, I call up the unfinished business, which I suppose to be now in order.

Mr. HARRIS. I hope the Senator will not insist upon considering that bill. It would not be very safe for us to come to a division upon any question this morning. I therefore hope the Senator will not insist upon considering to-day the bill that he refers to, for practically it would amount to nothing if he could get it through the Senate. He had quite as well let it remain on the Calendar just as it is, because if we come to a division I think it probable we shall develop quite a small number of Senators here and quite a good many absentees.

Mr. BLAIR. Mr. President, I understand the difficulty suggested by the Senator. I appreciate its serious nature, and feel under compulsion to comply with the suggestion.

I take occasion to say with reference to the labor bills which are pending in the Senate that every effort has been made for their consideration that could be made, but the Senate has been in the jaws of a great emergency all the time, and it has been found impossible to secure their profitable consideration.

This bill is the unfinished business, and in the most favorable position possible for a bill to occupy for early consideration at the next session of Congress, and I should hope that it would, with the other labor bills, receive attention at a very early period in the coming session.

These bills reached the Senate very late in the session from the House of Representatives, and they have been pressed here in committee and I think in the Senate with as much of assiduity as has characterized the progress of any other legislation whatever.

I may say with reference to the alien contract-labor bill, which was considered for a time and amended in very important particulars in the Senate, that I declined, as a friend of the measure, to press it further at the present time because I thought it in such a condition (and made so by emphatic votes of the Senate) that if it became a law it would be less efficient for the purpose designed than that now existing, and further, that there is in the other House, and I think also in the Senate, a measure in charge of the Joint Committee upon Immigration that is being matured, which in my judgment, if it should become a law, as it is very likely may be the case at the ensuing session, will be more stringent and effective for accomplishing the purpose designed by those

who are friendly to and support the alien contract-labor bill than that measure itself.

RECESS.

Mr. EDMUNDS (at 1 o'clock and 45 minutes p. m.). I move that the Senate take a recess until a quarter past 2 o'clock.

The motion was agreed to; and at the expiration of the recess the Senate reassembled.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had agreed to the resolution of the Senate concerning the re-enrollment of the bill (S. 145) for the relief of the legal representatives of Henry S. French.

The message also announced that the House had passed a concurrent resolution directing the Clerk of the House, in the enrollment of House bill 9416, to reduce the revenue and equalize duties on imports, and for other purposes, to change paragraph 318 of the bill by inserting a parenthesis after the word "confectionery," and by striking out the parenthesis after the word "chocolate," where it last occurs in the paragraph, so as to include in parenthesis only the words "other than chocolate confectionery;" in which the concurrence of the Senate was requested.

ORDER OF BUSINESS.

Mr. GRAY. I move to take up for consideration House bill No. 17, a little bill to remove the charge of desertion from the record of Michael Meskell. It will not take two minutes.

Mr. COCKRELL. I hope Senators will not insist upon any business. There has been a general understanding that bills ought not to be considered to-day. If one Senator calls up a bill another must, and it is the same thing—

Mr. GRAY. What is the point the Senator from Missouri makes? Mr. COCKRELL. I say I hope Senators will not insist on calling up bills. There has been a general understanding on both sides that bills should not be called up to-day. If one Senator calls up a bill another Senator can do the same thing.

Mr. GRAY. I hope the Senator will not object when I state the facts. Mr. COCKRELL. I hope the Senator will not persist and compel anybody to object. The Senator knows that such business ought not to be done to-day.

Mr. GRAY. I do not know that, because there are special circumstances connected with this bill. It might have been considered several days ago but for the objection of some gentlemen who had other matters that intervened. It is a bill of no public importance, but of great private importance, the non-passage of which will entail great suffering upon a very worthy person, and I hope the Senator will not object.

Mr. HAWLEY. I do not believe that the Senator can get the bill finally acted upon. It would have to be enrolled and signed by the Presiding Officer of each House and then carried to the President.

THE REVENUE BILL.

Mr. ALDRICH. I ask that the concurrent resolution which has just been received from the House of Representatives may be laid before the Senate.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives; which was read:

Resolved by the House of Representatives (the Senate concurring), That the Clerk of the House do, and he is hereby directed, in the enrollment of House bill 9416 to reduce the revenue and equalize duties on imports, and for other purposes, to change paragraph 318 of the bill as follows: Insert a parenthesis after the word "confectionery," and strike out the parenthesis after the word "chocolate" where it last occurs in the paragraph, so as to include in parenthesis only the words "other than chocolate confectionery."

Mr. EDMUNDS. Reserving all right to object to the present consideration of that resolution, I am perfectly willing it shall be considered and the House notified; but it amounts to an amendment of the tariff bill as it passed the two Houses and was reported from the committee of conference. That is what it amounts to, and I am unwilling to legislate on the tariff in this way. Let it stand as it is, but of course the House ought to be notified, because it may wait in enrolling the bill to see what the Senate does. Now I should like to hear what my friend from Rhode Island has to say.

Mr. ALDRICH. I think that the concurrent resolution sent here from the House of Representatives in effect places paragraph 318 of the tariff bill as the conference committee intended to leave it. My own feeling about it is that in order to carry out fully the intentions of the conference committee the concurrent resolution should be adopted. I understand, of course, that it is utterly impossible for us to legislate in this way or to direct the clerks in this way except by unanimous consent.

Mr. SHERMAN. It ought not to be done.

Mr. ALDRICH. If the Senator from Vermont or any other Senator interposes an objection, I certainly shall not press the resolution.

Mr. EDMUNDS. I insist upon my objection, but I think in some method the House ought to be notified that we do not propose to legislate in this way.

Mr. COCKRELL. I submit that we have had about enough tariff legislation now for awhile. I hope the Senator will not press the resolution.

Mr. ALDRICH. I have already said that I should not do so if any objection was made.

Mr. COCKRELL. I hope the Senator will not put it in that way and compel Senators to object to it. I think it is not exactly fair. This is legislation. This is not what was agreed to in conference and omitted by mistake. I should like to have some changes made in the tariff bill myself, and if we are to pass this resolution I should like to offer some amendments to it. There are other Senators probably who would like to offer amendments, and who think there are certain things that if we could have made the conferees see as we see them they would have agreed to. You see you open the whole door.

Mr. HISCOCK. I desire to say in this connection that, as I understand it, the resolution which comes from the House is in accord with the agreement which was reached by the conferees of the two Houses on the bill.

Mr. COCKRELL. I did not catch that remark, Mr. President.

Mr. HISCOCK. What I desired to say was that my understanding is that the resolution which has come over from the House of Representatives expresses what was agreed to by the conferees of the two Houses in respect to that item in that paragraph of the bill.

Mr. COCKRELL. How does it happen, then, that you did not put what you wanted in the bill?

Mr. HISCOCK. You know in the engrossing of this bill how the putting of a comma or of a separation or something of that kind might occur. I think very few mistakes have been made in the bill. Very few mistakes have been made in the conference report as it was submitted.

Mr. EDMUNDS. This thing will not do any harm. Leave it as it is. It is not a good way.

Mr. BLAIR. If the Senator from Rhode Island will accept a motion that the five labor bills I have been struggling for shall be incorporated, I shall be very happy to support his resolution.

Mr. ALDRICH. The resolution having been already objected to by the Senator from Vermont, and as I have stated that I did not intend to press it, I can hardly see any very profitable purpose that can be served by a continuation of this discussion.

Mr. BLAIR. Does the Senator object to discussion in the Senate? Are we to have the gag law applied to us? I ask the Senator to report a resolution which upon my motion was introduced and sent to his committee some time since.

The VICE-PRESIDENT. What is the pleasure of the Senate?

Mr. EDMUNDS. In order that the House of Representatives may know that the Senate is unwilling to do this, I move that the Secretary be directed to inform the House respectfully that the Senate is unable to consider this resolution.

The VICE-PRESIDENT. The Senator from Vermont moves that the Secretary notify the House of Representatives that the Senate is unable to consider the concurrent resolution of the House. The motion will be considered as agreed to, if there be no objection.

Mr. EDMUNDS. The Senator from Rhode Island says that the House can be informed informally, and I withdraw my motion.

The VICE-PRESIDENT. The motion is withdrawn. The resolution, having been objected to, will lie on the table.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had agreed to the amendment of the Senate to the concurrent resolution of the House respecting the enrollment of the tariff bill.

FORFEITURE OF RAILROAD LAND GRANTS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior; which was read.

Mr. MORGAN. I move that the communication and accompanying papers be printed and referred to the Committee on Public Lands, and I also ask that they may be printed in the RECORD, because they relate to a subject that will be of great interest to the public immediately. If the bill we passed the other day should receive the signature of the President, the information contained in this document will be very important to settlers in the West. I ask that the communication be printed in the RECORD.

There being no objection, the communication and accompanying papers were referred to the Committee on Public Lands, and ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE INTERIOR, Washington.

SIR: I am in receipt of Senate resolution of September 11, 1880, as follows:

"Resolved, That the Secretary of the Interior be directed to inform the Senate what number of cases are now pending in his Department in which the claims of settlers are antagonized by the Northern Pacific Railroad Company, or by other companies whose roads were not constructed within the time required by the granting acts. And whether said Northern Pacific Railroad Company is now seeking a reversal of previous decision of the Department of the Interior favoring settlement claims. And whether said Northern Pacific Railroad Company has at different times filed different maps of general route for any portion of its line through the same part of the country, and if so, whether public lands have been withdrawn from settlement and entry along each of said lines as the same was changed, or along additional routes prior to the definite location of the line of such portion of road, and whether the Department of the Interior maintains or has maintained such withdrawals as an exclusion of the right of settlement and entry, prior to definite location. And specifically what are the decisions of his Department upon the point of the legality of withdrawals on second or subsequent maps of general route so filed, and of the validity of such

indemnity withdrawals as against settlement rights under the terms of the grant to said company. And whether said company is seeking the reversal of previous decisions of the Department upon said points.

"And he will further inform the Senate whether said Northern Pacific Railroad Company failed to definitely locate any portion of its road during the period within which, by the conditions of its charter, the road was required to be constructed, and what the decisions of his Department are upon the point of the legal right of a railroad company to definitely locate a line of road after the period when by law the entire road was required to have been completed. And whether the decision of Mr. Secretary Chandler upon this point has ever been overruled by subsequent departmental decisions, or by the courts, and if not, whether the principle of said decision is applied in the practice of the Department to said Northern Pacific Railroad Company."

I referred the resolution to the Commissioner of the General Land Office for report upon the several inquiries contained therein, which is now before me, and I transmit herewith a copy for the information of the Senate.

The information called for in the resolution as to what number of cases are now pending in this Department in which the claims of settlers are antagonized by the Northern Pacific Railroad Company, or by other companies whose roads were not constructed within the time required by the granting acts, and whether the Northern Pacific Railroad Company has at different times filed different maps of general route for any portion of its line through the same part of the country, and if so, whether public lands have been withdrawn from settlement and entry along each of said lines as the same was changed, or along additional routes prior to the definite location of the line of such portion of road; and whether the Northern Pacific Railroad Company failed to definitely locate any portion of its road during the period within which by the conditions of its charter the road was required to be constructed, is furnished in the report of the Commissioner from the records of the General Land Office.

The Northern Pacific Railroad Company has filed a number of motions for review of former decisions of the Department, in accordance with the rules of practice, some of which have been determined and others are now pending before the Department undetermined.

I am not aware of any decision of the Department in which the question of the legality of withdrawals on second and subsequent maps of general route was directly raised, except in the case of Guilford Miller, reported in the seventh volume Land Decisions, page 100, and subsequent cases ruled thereby, and in the case of Hayes vs. Parker (2 L. D. 554).

In the case of Guilford Miller the Department held that the sixth section of the act of July 2, 1864 (13 Stat., 35), making the grant to the Northern Pacific Railroad Company provided for a withdrawal of lands within the granted limits upon the filing of map of general route, and that such withdrawal became operative upon the approval of the map by the Secretary of the Interior without any other act on the part of the executive authorities; that the withdrawal once exercised was thereby exhausted, and the Legislature having definitely expressed the terms upon which a preliminary withdrawal should be made and the conditions and extent of such withdrawal, the legislative will must be taken to have been exhaustively expressed, and any other withdrawal is without legal force and effect.

It was further held that said section having expressly provided for a withdrawal of lands within the granted limits upon the filing of an approved map of general route, and directing that the pre-emption and homestead laws shall be extended over all other lands, is a mandate effectually prohibiting the exercise of executive authority to withdraw lands within indemnity limits upon the filing of map of definite location. Several other cases pending before the Department upon appeal, filed by the Northern Pacific Railroad Company, were ruled by this decision, and motions for review were filed in each of said cases under the rules, in which the company asked that the ruling in the case of Guilford Miller might be reconsidered and overruled, and now insist that the controlling record facts were not considered.

These reviews are now pending before the Department. In the case of Hayes vs. Parker it was held that there can be but one legislative withdrawal upon a map of general route; but in that case it was decided that the map filed by the Northern Pacific Railroad Company in 1870 was not the map of general route, but a mere trial line, and the withdrawal made under that map was regarded as a mere executive withdrawal. Prior to the decision in the case of Guilford Miller, the Land Office maintained the validity of both withdrawals, when the lands fell within the limits of both, holding that under the executive withdrawal entries or claims initiated prior to the receipt of said withdrawal at the local office were excepted from the operation of the grant, while the legislative withdrawal took effect upon the filing of the map of general route in the General Land Office, and the company has claimed the benefit of both withdrawals as to all lands affected thereby which subsequently fell within the limits of definite location.

I am not aware that any withdrawals were made in indemnity limits upon map of general route, but where lands within the withdrawn within the granted limits on general route fell within the indemnity limits on definite location the practice was to order the reservation thereof to be continued for indemnity purposes. The question as to the right of the Secretary to make any withdrawal of land within the limits of this grant, except that expressly provided for by the terms of the grant, was denied by the Department in the Guilford Miller decision, and the company is seeking a reversal of this ruling in the motions for review heretofore referred to.

I am not aware of any ruling of the Department upon the question as to the "legal right of a railroad company to definitely locate a line of road after the period when by law the entire road was required to have been completed," except the decision of Secretary Chandler, rendered April 29, 1876, upon the application of the Atlantic, Gulf and West India Transit Company, successors to the Florida Railroad Company, to file a map of definite location of that part of said road from Waldo to Tampa Bay. I presume this is the decision referred to in the resolution inquiring as to "whether the decision of Mr. Secretary Chandler upon this point has ever been overruled by subsequent departmental decisions, or by the courts, and if not, whether the principle of said decision is applied in the practice of the Department to said Northern Pacific Railroad Company."

I know of no decision of the Department or of the courts in conflict with the ruling of Secretary Chandler upon this point. In passing upon the application of the road to file a map of definite location of that part of the road from Waldo to Tampa Bay, made after the expiration of the time within which the company was required to complete the road under the terms of the grant, the Secretary said that "no map showing the definite location of the road to Tampa Bay has ever been filed in this Department," and, holding that the failure to designate the line of road until after the expiration of the time required for its completion should be accepted as an abandonment of that portion of the line of road, the Secretary declined to allow the filing of the map.

Subsequently the application was renewed before Secretary Schurz, and it was then shown that the company had filed in the General Land Office a map of definite location of said portion of the road December 14, 1869, but which had been lost or mislaid in returning it to the governor for the procurement of his certificate. The map presented with the application was a true copy of the original which had been filed in time, and the Secretary directed that the duplicate or copy map be filed, and that the necessary withdrawals be made. This ruling of Secretary Schurz was afterward affirmed by Secretary Teller (2 Land

Decisions, 561) and by Secretary Lamar (5 Land Decisions, 107), in which it was clearly shown that the question before Secretary Chandler was whether a map of definite location can be filed after the expiration of the time allowed for the completion of the road; whereas the question before Secretary Schurz was whether a duplicate map of definite location may be received and filed in the General Land Office after the expiration of the time allowed for completing the road upon proof that it is a correct copy of an original map which was filed in time and which has been lost or destroyed.

For a full history of this case I refer to Senate Executive Document No. 91, first session Forty-eighth Congress, and to the decisions of Secretaries Teller and Lamar above referred to.

While several parts of the Northern Pacific Railroad were not definitely located until after the expiration of the time required for its completion, it was all located by map of general route within the time allowed by law, and by map of definite location, prior to January 1, 1885, as will be seen by the accompanying report of the Commissioner of the General Land Office, except as to 225 miles, between Wallula Junction, Wash., and Portland, Oregon. There is nothing to show that the Chandler decision was considered in connection with these last withdrawals.

Respectfully submitted,

JOHN W. NOBLE, Secretary.

To the PRESIDENT OF THE SENATE.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., September 23, 1890.

SIR: I am in receipt, through reference for report, of Senate resolution of September 11, 1890, as follows:

"Resolved, That the Secretary of the Interior be directed to inform the Senate what number of cases are now pending in his Department in which the claims of settlers are antagonized by the Northern Pacific Railroad Company or by other companies whose roads were not constructed within the time required by the granting acts. And whether said Northern Pacific Railroad Company is now seeking a reversal of previous decisions of the Department of the Interior favoring settlement claims. And whether said Northern Pacific Railroad Company has at different times filed different maps of general route for any portion of its line through the same part of the country, and if so, whether public lands have been withdrawn from settlement and entry along each of said lines as the same was changed, or along additional routes prior to the definite location of the line of such portion of road, and whether the Department of the Interior maintains or has maintained such withdrawals as an exclusion of the right of settlement and entry prior to definite location. And, specifically, what are the decisions of his Department upon the point of the legality of withdrawals on second or subsequent maps of general route so filed, and of the validity of such indemnity withdrawals as against settlement rights under the terms of the grant to said company. And whether said company is seeking reversal of previous decisions of the Department upon said points.

"And he will further inform the Senate whether said Northern Pacific Railroad Company failed to definitely locate any portion of its road during the period within which by the conditions of its charter the road was required to be constructed, and what the decisions of his Department are upon the point of the legal right of a railroad company to definitely locate a line of road after the period when, by law, the entire road was required to have been completed. And whether the decision of Mr. Secretary Chandler upon this point has ever been overruled by subsequent departmental decisions, or by the courts, and if not, whether the principle of said decision is applied in the practice of the Department to said Northern Pacific Railroad Company."

In reply I have the honor to report that 4,725 cases are pending before this office and the Department, within the limits of the grants for roads not constructed within the time limited by law, and are distributed in tabulated statement accompanying this report, and marked "Exhibit A."

The Northern Pacific Railroad Company has filed motions for the review of a number of departmental decisions in favor of settlers, some of which have been disposed of, the former decisions being adhered to, and the remainder are still pending before the Department.

In the matter of the changes in the location of the general route of said Northern Pacific Railroad, I have to report as follows:

With letter of March 9, 1869, the honorable secretary of the Interior inclosed a map showing the entire line of general route of said road, as adopted by the board of directors, but, as the same did not appear to have been prepared after an actual survey of the country traversed, a withdrawal thereon was refused.

August 13, 1870, two maps were filed, showing the entire line of general route, but the same were accepted only within the States of Wisconsin and Minnesota, and the then Territory of Washington, and to this extent withdrawals were ordered.

October 12, 1870, the Department accepted a map changing the location of the general route for a portion of the road in Minnesota, and the withdrawal made upon the map of August 13, 1870, was modified to agree with this change.

February 21, 1872, a map was filed, showing the general route through Dakota, Montana, Idaho, and a portion of Washington, to connect with the prior accepted portion at Wallula.

The acceptance of this map worked a change in the location within the then Territory of Washington, from Wallula eastward to the Territory line, and the withdrawal of 1870 was modified accordingly.

These are the only changes in the general route of the main line or stem, namely: A portion in Minnesota and a portion in Washington.

August 29, 1873, the map showing the general route of the branch line was filed, extending from Lake Pend d'Oreille, Idaho, to Tacoma, Wash., upon which withdrawal was ordered.

November 24, 1876, an amended location was filed, extending from Snake River to Tacoma, within the State of Washington.

This map was not accepted, nor has any withdrawal been ordered thereon. June 11, 1879, a map showing an amended location was filed, extending from Twin Wells to Tacoma, which was accepted, for the reason that the new location was much shorter than the original location, and the company was required to execute a relinquishment in favor of all settlers included within the withdrawal upon the location of 1873, and excluded from the limits projected upon the new location of 1879.

In presenting the question as to the acceptance of the change in location, it was stated by this office that "at present a very large body of land is withheld from settlement and entry, which, by the amended line, would be released and restored to the Government, whilst the track that would be required to be withdrawn is not so large by some 4,000,000 acres."

It will be seen that in the several cases where change was permitted the withdrawal originally ordered was modified to agree with the change in route.

As to whether the Department maintains or has maintained such withdrawals as an exclusion of the right of settlement and entry prior to definite location, I have to report that such withdrawals have been maintained under authority of the sixth section of the act of July 2, 1864, making the grant for said company.

It was first held that such withdrawals did not become effective until notice thereof was received at the district land offices, but in the case of Buttz, executor, etc., vs. Northern Pacific Railroad Company (119 U. S., 55) it was held (syllabus) "when the general route of the road provided for in section 6 of the act of July 2, 1864, was fixed and information thereof was given to the Land De-

partment by the filing of a map thereof with the Secretary of the Interior, the statute withdrew from sale or pre-emption the odd sections to the extent of 40 miles on each side thereof, and by way of precautionary notice to the public an executive withdrawal was a wise exercise of authority."

In the matter of change in location, the Department held in the case of Hayes vs. Parker et al. (3 L. D. 354), that "the line of 1870, however, as respects the section of country in which the lands in controversy are located (being the lands affected by the change in location), was not in fact the general route of said road. It was at most a trial line; and a very large portion of the country included in it was not included in the general route of the road as finally fixed."

In the case of said company against Gullford Miller (7 L. D., 100), it was held "that the filing and acceptance of an amended map of general route was without authority of law, and the executive withdrawal, made by the order of the Commissioner of the General Land Office, on the filing of said map, was without validity or sanction of law."

The withdrawals referred to as having been made upon the filing of the maps of general route were only to the extent of the granted limits provided for in the acts making the grants, but, upon the definite location of the road, the withdrawals were adjusted to such locations, and the indemnity lands were then withdrawn.

These withdrawals of indemnity lands were respected by the Department and treated as a reservation from disposition of all kinds, until, in the case last referred to, it was held that "the language in kind 6 of the granting act, which expressly directed that the homestead and pre-emption laws should be 'extended to all other lands on the line of said road when surveyed, excepting those hereby granted to said company,' was a mandate effectually prohibiting the exercise of the executive authority to withdraw any lands on the line of said road," and it was further held that "such a withdrawal is in violation of law and without effect, except as notice of the limits within which the company would be entitled to select indemnity."

By order of August 15, 1887, the orders of withdrawal of indemnity lands were revoked, and the lands not included in approved selections were restored.

In a number of cases decided by the Department, under the principles announced in the Miller case, namely, the effect of withdrawals on maps of amended general route, and for indemnity purposes, the company has filed motions for review, which motions are now pending before your office.

To this extent the company must be held to be seeking the reversal of previous decisions of the Department.

Under the decision of Hon. C. Schurz, Secretary of the Interior, dated June 11, 1879, the time limited within which the Northern Pacific Railroad should be completed expired July 4, 1879, and subsequent to that date maps of definite location were filed as follows:

July 20, 1880, Bismarck to Little Missouri River.
October 25, 1880, Little Missouri River to mouth of Glendive Creek.
October 4, 1880, Wallula to Spokane Falls.
June 25, 1881, Glendive Creek to Tongue River, and from Tongue River to eastern boundary of Crow reserve.
June 27, 1881, through Crow reserve.
August 30, 1881, Spokane Falls, Wash., to Lake Pend d'Oreille, Idaho.
July 6, 1882, last crossing of Yellowstone River (western boundary of Crow reserve) to Little Blackfoot River, and from Little Blackfoot River to southern boundary of Flathead reserve.
July 6, 1882, junction with Lake Superior and Mississippi Railroad in Minnesota, to township 47 north, range 2 west, Wisconsin.
September 22, 1882, Portland, Oregon, to Kalama, Wash.
December 12, 1882, Lake Pend d'Oreille, Idaho, to mouth of Missouri River, Montana.

June 8, 1883, through Flathead reserve to mouth of Missouri River.
November 24, 1884, initial point at Ashland, Wis., westward 60 miles.
Branch line: June 29, 1883, Yakima to Alnsworth; March 25, 1884, Tacoma to South Prairie; May 24, 1884, Yakima to Swank Creek; September 3, 1884, South Prairie to Eagle Gorge; December 8, 1884, Swank Creek to Eagle Gorge.

The resolution refers to the decision of Mr. Secretary Chandler in the matter of the grant for the Florida Railroad, dated April 29, 1876, wherein he held that "the important act of definitely locating the road can only be performed by or under the authority of the State, and it should be done within a reasonable time after the date of the grant, and in all cases before the expiration of the time fixed for completing the road; failure to discharge this duty should be taken as conclusive evidence of abandonment of the grant," and asks information as to whether said decision "has ever been overruled by subsequent departmental decisions or by the courts, and, if not, whether the principle of said decision is applied in the practice of the Department to said Northern Pacific Railroad Company."

In the decision of Mr. Secretary Schurz, dated June 11, 1879, before referred to, in which he accepted the amended location of the branch line of said company, the questions presented were: (1) "Has the grant to the company lapsed by reason of the failure of the company to perform certain acts within the time specified in the granting statutes?" (2) "If it has so lapsed, can the Department recognize any acts by the company looking to the initiation of new rights or the enlargement of old ones?" and, after holding that the time had not expired, and that no proceedings could be taken by Congress to declare a forfeiture of the grant until one year after the time fixed for the completion of the road, namely, July 4, 1880, he proceeds:

"If this be not the true construction of the various provisions of the acts of Congress in relation to this grant, still, under the rule announced by the Supreme Court in the case of *Schulenberg vs. Harriman* (21 Wallace, 44), it must be held that until Congress does take some steps to declare a forfeiture of said grant the same is in full force and effect.

"In the case cited, the court say: 'At common law the sovereign could not make an entry in person, and therefore, an office found was necessary to determine the estate;' but, as said by this court in a late case, 'the mode of asserting or of resuming the forfeited grant is subject to the legislative authority of the Government. It may be after judicial investigation, or by taking possession directly under the authority of the Government without these preliminary proceedings.'

"In the present case no action has been taken, either by legislation or judicial proceedings, to enforce a forfeiture of the estate granted by the acts of 1855 and 1864. The title remains, therefore, in the State as completely as it existed on the day when the title by location of the route of the railroad acquired precision, and became attached to the adjoining alternate sections. I am not advised that any proceedings have been taken to declare a forfeiture of the grant to this company; and, if my views of the law above expressed are correct, the time has not yet arrived when Congress could take any proceedings to declare such a forfeiture; but, in either event, the grant to-day must be held to be the same as it existed on the day when it was made and accepted by the company."

It will be seen that the question as to the authority of the Department to recognize acts of the company looking to the initiation of rights, after failure of the company to perform certain acts within the time specified in the granting act, is fully recognized in the decision last referred to, which is published in full in Senate Document No. 54, Forty-seventh Congress, first session, and to which reference is here made.

Withdrawals have been made upon the definite locations above enumerated (presumably under the decision referred to), which, to the extent of the granted limits, are still maintained.

The road, as shown in said locations, has been constructed, and accepted by

the President after examination by commissioners duly appointed, as provided for in the acts making the grant; but no patents have, as yet, issued including lands opposite road constructed out of time.

The resolution is herewith returned.

Respectfully,

LEWIS A. GROFF, Commissioner.

The Hon. SECRETARY OF THE INTERIOR.

EXHIBIT A.—Tabulated statement of pending settlement claims within the limits of the grants to aid in the construction of railroads not built within the time limited in the acts making such grants.

	Entries pending.	Applications pending.	Total.	Decided.		Cases before Secretary on appeal.
				For settler.	Against settler.	
Alabama and Chattanooga (Alabama).....	12	12	4	5	6	
Atlantic and Pacific:						
Arizona.....	2	11	13			
Missouri.....	19	7	26	1		
New Mexico.....	34	5	39	2		1
California and Oregon (California).....	14	36	50	15		16
Chicago, St. Paul, Minneapolis and Omaha (Wisconsin).....	381	381				
Florida Railway and Navigation Company (Florida).....	95	131	226	12	2	12
Hastings and Dakota (Minnesota).....	18	41	59	3	4	7
St. Paul, Minneapolis and Manitoba (Minnesota).....	93	231	324	61	99	79
Hastings and Dakota and St. Paul, Minneapolis and Manitoba, conflicting limits (Minnesota).....		411	411			
Jackson, Lansing and Saginaw (Michigan).....		17	17			
Marquette, Houghton and Ontonagon (Michigan).....	2	93	95			
Northern Pacific:						
Minnesota.....	157	60	217	22	5	26
North Dakota.....	23	45	68	14	17	31
Montana.....	102	129	231	69	8	71
Idaho.....	29	49	78	10	2	11
Oregon.....	119	251	370	2		2
Washington.....	125	799	924	213	134	242
Northern Pacific and St. Paul, Minneapolis and Manitoba, conflicting limits (Minnesota).....	44	44				
Oregon and California (Oregon).....	29	29	29	1	1	11
St. Paul and Sioux City (Minnesota).....	3	74	77	2	2	4
Southern Minnesota (Minnesota).....	24	55	79	1	1	2
Southern Minnesota and St. Paul and Sioux City, conflicting limits (Minnesota).....		53	53			
Southern Pacific (California).....	115	206	321	185		21
Selma, Rome and Dalton (Alabama).....	4	2	6			
Wisconsin Central (Wisconsin).....		10	10	8		1
Gulf and Ship Island (Mississippi).....	55		55			
Mobile and Girard (Alabama).....	22		22			
Cocoa and Chattahoochee (Alabama).....	7		7			
Cocoa and Tennessee (Alabama).....	5		5			
Oregon and California (Oregon).....	313		313			
Pensacola and Florida (Florida).....	29		29			
Ontonagon and State Line (Michigan).....	110		110			
Totals.....	1,553	3,172	4,725	642	275	514

The above statement includes all entries or applications pending involving lands within the limits of the roads mentioned, whether opposite the portion constructed within or out of time, or the unconstructed portion. As the pending bill proposes forfeiture of the grants opposite unconstructed road, its passage will dispose of a large number of the pending cases.

I have appended a statement showing the nature of action heretofore taken upon such cases, from which it will be seen that of those heretofore decided the greater number have been in favor of the settler, also the number of appeals taken from such decisions, which cases are now before the Department. In the case of the Chicago, St. Paul, Minneapolis and Omaha Railway Company three hundred and eighty-one applications are pending. These are for lands within the indemnity limits, and being withdrawn are not subject to entry, but the lands will in all probability not be needed in satisfaction of the grant, and upon the final adjustment of the grant (which is now pending before the Department) they will be restored.

Of the entries pending a large number will upon examination be approved.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the Vice-President:

A bill (S. 161) to reconvey certain lands to the county of Ormsby, State of Nevada;

A bill (S. 597) to authorize the conveyance of certain Absentee Shawnee Indian lands in Kansas;

A bill (S. 1904) to provide for railroad crossings in the Indian Territory;

A bill (S. 2782) to provide for the reduction of the Round Valley Indian reservation, in the State of California, and for other purposes;

A bill (S. 3545) to extend and amend "An act to authorize the Fort

Worth and Denver City Railway Company to construct and operate a railway through the Indian Territory, and for other purposes;?"

A bill (S. 3280) authorizing the Secretary of the Interior to ascertain damages resulting to any person who had settled upon the Crow Creek and Winnebago reservation, in South Dakota, between February 27, 1885, and April 17, 1885;

A bill (S. 3745) granting to the Northern Pacific and Yakima Irrigation Company a right of way through the Yakima Indian reservation, in Washington;

A bill (S. 3863) granting to the Newport and King's Valley Railroad Company the right of way through the Siletz Indian reservation;

A bill (S. 4398) giving, upon conditions and limitations therein contained, the assent of the United States to certain leases of rights to mine coal in the Choctaw Nation;

A bill (S. 1454) to increase the efficiency and reduce the expenses of the Signal Corps of the Army and to transfer the weather service to the Department of Agriculture;

A bill (S. 1658) establishing a customs collection district to consist of the States of North Dakota and South Dakota, and for other purposes;

A bill (S. 2562) to authorize the appointment of Asst. Surg. Thomas Owens, United States Navy, not in the line of promotion, to the position of surgeon, United States Navy, not in the line of promotion, and for other purposes;

A bill (S. 3817) for the protection of actual settlers who have made homestead or pre-emption entries upon the public lands in the United States in the State of Florida upon which deposits of phosphate have been discovered since such entries were made;

A bill (S. 2014) for the relief of certain settlers on the public lands of the United States, and to authorize the taking and filing of final proofs in certain cases;

A bill (S. 3196) granting an increase of pension to Michael McGarvey;

A bill (S. 3314) granting right of way to the Red Lake and Western Railway and Navigation Company across Red Lake reservation, in Minnesota, and granting said company the right to take lands for terminal railroad and warehouse purposes;

A bill (S. 3521) for the relief of Timothy Hennessy;

A bill (S. 3721) for the relief of A. J. McCreary, administrator of the estate of J. M. Hiatt, deceased, and for other purposes;

A bill (S. 3938) to authorize the Secretary of the Interior to convey to the Rio Grande Junction Railway Company certain lands in the State of Colorado in lieu of certain other lands in said State conveyed by the said company to the United States;

A bill (S. 4370) granting a pension to John M. Dunn;

A bill (H. R. 789) opening to settlement a portion of the Fort Randall military reservation, in South Dakota;

A bill (H. R. 2990) for the relief of I. L. Cain and others;

A bill (H. R. 4258) increasing the pension of Francis Gilman;

A bill (H. R. 5206) granting a pension to Catlena Lyman;

A bill (H. R. 5939) for the relief of settlers on Northern Pacific Railroad indemnity lands;

A bill (H. R. 7989) to promote the administration of justice in the Army;

A bill (H. R. 10086) granting leaves of absence to clerks and employes in first and second class post-offices and to employes of the Post-Office Department employed in the mail-bag repairshops connected with said Department;

A bill (H. R. 10265) to authorize the construction of a bridge across the Altamaha River;

A bill (H. R. 11924) defining certain duties of the Sergeant-at-Arms of the House of Representatives, and for other purposes;

A bill (H. R. 12187) to set apart certain tracts of land in the State of California as forest reservations;

A bill (H. R. 11928) defining certain duties of the Sergeant-at-Arms of the House of Representatives;

A bill (H. R. 1117) granting a pension to Sarah E. Palmer;

A bill (H. R. 2002) granting a pension to John C. Morrison;

A bill (H. R. 2420) granting a pension to Julia W. Freeman;

A bill (H. R. 2428) granting a pension to Emily Onderdonk;

A bill (H. R. 3169) for the relief of Alexander F. Dutton;

A bill (H. R. 3796) granting a pension to Abraham Zimmerman;

A bill (H. R. 4179) granting a pension to Nancy J. Dorlos;

A bill (H. R. 4788) granting a pension to Ann Roberts;

A bill (H. R. 4825) granting a pension to Arthur Connery;

A bill (H. R. 5835) to increase the pension of Mrs. Maria B. Judah;

A bill (H. R. 6052) granting a pension to Martha A. Bowling;

A bill (H. R. 6148) granting a pension to Mrs. Mary J. Sanders, the widow of Thomas R. Sanders, who was a scout in the service of the United States Army in the war of the rebellion;

A bill (H. R. 6338) granting a pension to Eben Muse;

A bill (H. R. 6916) for the relief of Adeline Bly, widow of a soldier of the war of 1812;

A bill (H. R. 7149) granting a pension to Hannah E. Winney;

A bill (H. R. 7375) granting a pension to Mrs. Susan A. Dean;

A bill (H. R. 8098) granting a pension to Thelbert H. Head;

A bill (H. R. 8519) granting a pension to John Frohlin;

A bill (H. R. 8700) granting a pension to Mira Baldwin;

A bill (H. R. 9026) granting a pension to N. W. Leasure;

A bill (H. R. 9225) granting a pension to Theodore L. Alexander;

A bill (H. R. 9245) granting a pension to Louis P. Noros, late of the Jeannette expedition to the Arctic Ocean;

A bill (H. R. 9436) granting an increase of pension to E. T. Hanlon;

A bill (H. R. 9565) granting an increase of pension to Joseph M. Wil-

son;

A bill (H. R. 9738) granting an increase of pension to Lovey Aldrich;

A bill (H. R. 10398) for the relief of Mary A. Blaisdell;

A bill (H. R. 10810) granting a pension to Samuel S. Humphreys;

A bill (H. R. 10811) granting a pension to Asa Joiner;

A bill (H. R. 10898) to increase the pension of Daniel P. Roberts, late a second lieutenant in Company F of the Third Regiment of Missouri

Volunteers in the war with Mexico;

A bill (H. R. 10985) granting a pension to Isaac W. Jacobs;

A bill (H. R. 11171) granting an increase of pension to Edwin Reeder, late a member of Company A, First Tennessee Infantry, in the war with Mexico;

A bill (H. R. 11457) to increase the pension of Mary Y. Dewees;

A bill (H. R. 11650) granting a pension to Emily Fry;

A bill (H. R. 11726) to increase the pension of Noah Bisbee, formerly private Company K, Eighty-ninth Regiment New York Volunteers;

A bill (H. R. 12163) making an appropriation to supply a deficiency in the appropriation for compensation of Members in the House of Representatives and Delegates from Territories;

A joint resolution (H. Res. 104) to permit the Secretary of War to grant a revocable license to use a pier as petitioned by vessel-owners of Chicago, Ill.;

A joint resolution (H. Res. 169) authorizing the use of a portion of the United States military reservation at Chattanooga for a public park, in the city of Chattanooga, Tenn.; and

A joint resolution (H. Res. 214) extending the act fixing the rate of interest to be charged on arrearages of general and special taxes now due the District of Columbia, if paid within a time specified, to October 31, 1890.

PAY OF SESSION EMPLOYÉS.

Mr. JONES, of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. MORGAN September 29, 1890, reported the following substitute; which was considered by unanimous consent:

Resolved, That the session employes of the Senate now borne on the rolls be retained in employment for thirty days after the adjournment of the present session, and that the Secretary of the Senate be, and he hereby is, authorized and directed to pay them out of the contingent fund of the Senate.

Mr. BLAIR. Before the resolution is disposed of, I should like to inquire if it embraces in its terms those not upon the permanent roll, but who nevertheless have been continually occupied.

Mr. JONES, of Nevada. This resolution, of course, only includes employes of the Senate who are on the session roll, and not those on the regular roll. They will be needed for the next thirty days by the Sergeant-at-Arms, will be at work, and should be paid for their services.

The VICE-PRESIDENT. The question is on agreeing to the resolution reported by the Committee to Audit and Control the Contingent Expenses of the Senate.

The resolution was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed a resolution that a committee of three members be appointed, to join a similar committee on the part of the Senate, to wait on the President of the United States and inform him that the two Houses of Congress are ready to adjourn, and respectfully inquire if he has any further communication to make to them; and that, in accordance with the foregoing resolution, the Speaker had appointed Mr. McKINLEY, Mr. PERKINS, and Mr. McMILLIN.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bill and joint resolution; and they were thereupon signed by the Vice-President:

A bill (H. R. 9416) to reduce the revenue and equalize duties on imports, and for other purposes; and

Joint resolution (H. Res. 218) to allow the Postmaster-General to expend \$10,000 to test at small towns and villages the system of the free-delivery mail service, and for other purposes.

FINAL ADJOURNMENT.

Mr. ALDRICH. From the Committee on Finance, I report back the concurrent resolution of the House of Representatives in relation to final adjournment with an amendment, to strike out "Tuesday, the 30th day of September, at 2 o'clock p. m.," and insert "Wednesday, the 1st day of October, at 5 o'clock p. m." I ask for the present consideration of the resolution.

The VICE-PRESIDENT. The resolution of the House of Representatives will be read.

The Chief Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring). That the President of the Senate and the Speaker of the House of Representatives declare their respective Houses adjourned without day on Tuesday, the 30th day of September, at 2 o'clock p. m.

By unanimous consent, the Senate proceeded to consider the resolution.

The amendment reported by the Committee on Finance was, in the last line of the resolution to strike out the words "Tuesday, the 30th day of September, at 2 o'clock p. m.," and insert "Wednesday, the 1st day of October, at 5 o'clock p. m."

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Committee on Finance.

The amendment was agreed to.

The VICE-PRESIDENT. The question now is on concurring in the resolution as amended.

The resolution as amended was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10639) to amend section 2, act of May 30, 1862.

RECESS.

Mr. SHERMAN (at 3 o'clock and 15 minutes p. m.). I move that the Senate take a recess until 4 o'clock.

The PRESIDING OFFICER (Mr. HALE in the chair). The question is on the motion of the Senator from Ohio that the Senate take a recess until 4 o'clock.

The motion was agreed to; and at 4 o'clock p. m. the Senate reassembled.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 145) for the relief of the legal representatives of Henry S. French; and

A bill (H. R. 10639) to amend section 2399 of the Revised Statutes of the United States.

THANKS TO THE VICE-PRESIDENT.

Mr. HARRIS. I offer the following resolution, and ask the unanimous consent of the Senate that it be now considered:

Resolved, That the thanks of the Senate are hereby tendered to Hon. LEVI P. MORTON, Vice-President, for the dignified, impartial, and courteous manner with which he has presided over its deliberations during the present session.

The PRESIDING OFFICER (Mr. DOLPH in the chair). Is there objection to the present consideration of the resolution?

The resolution was agreed to unanimously.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House insisted on its amendment to the bill (S. 3431) granting a pension to Martha N. Hudson, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. MORRILL, Mr. NUTE, and Mr. YODER managers at the conference on the part of the House.

THANKS TO THE PRESIDENT PRO TEMPORE.

Mr. RANSOM. I beg leave to present the following resolution, and I ask unanimous consent for its immediate consideration:

Resolved, That the thanks of the Senate are hereby tendered to Hon. JOHN J. INGALLS, President pro tempore of the Senate, for the dignified, impartial, and courteous manner with which he has presided over its deliberations during the present session.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution? The Chair hears none, and the question is on the adoption of the resolution.

The resolution was agreed to unanimously.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had this day approved and signed the following acts:

An act (S. 161) to reconvey certain lands to the county of Ormsby, State of Nevada;

An act (S. 597) to authorize the conveyance of certain Absentee Shawnee Indian lands in Kansas;

An act (S. 1454) to increase the efficiency and reduce the expenses of the Signal Corps of the Army, and to transfer the weather service to the Department of Agriculture;

An act (S. 1658) establishing a customs-collection district to consist of the States of North Dakota and South Dakota, and for other purposes;

An act (S. 1904) to provide for railroad crossings in the Indian Territory;

An act (S. 2014) for the relief of certain settlers on the public lands

of the United States, and to authorize the taking and filing of final proofs in certain cases;

An act (S. 2562) to authorize the appointment of Assistant Surgeons Thomas Owens and William Martin, United States Navy, not in the line of promotion, to the position of surgeons, United States Navy, not in the line of promotion, and for other purposes;

An act (S. 2782) to provide for the reduction of the Round Valley Indian reservation, in the State of California, and for other purposes;

An act (S. 3196) granting an increase of pension to Michael McGarvey;

An act (S. 3280) authorizing the Secretary of the Interior to ascertain damages resulting to any person who had settled upon the Crow Creek and Winnebago reservations in South Dakota between February 27, 1885, and April 17, 1885;

An act (S. 3314) granting right of way to the Red Lake and Western Railway and Navigation Company across Red Lake reservation, in Minnesota, and granting said company the right to take lands for terminal railroad and warehouse purposes;

An act (S. 3521) for the relief of Timothy Hennessy;

An act (S. 3445) to extend and amend "An act to authorize the Fort Worth and Denver City Railway Company to construct and operate a railway through the Indian Territory, and for other purposes;"

An act (S. 3745) granting to the Northern Pacific and Yakima Irrigation Company a right of way through the Yakima Indian reservation, in Washington;

An act (S. 3417) for the protection of actual settlers who have made homesteads or pre-emption entries upon the public lands of the United States in the State of Florida upon which deposits of phosphate have been discovered since such entries were made;

An act (S. 3863) granting to the Newport and Kings Valley Railroad Company the right of way through the Siletz Indian reservation;

An act (S. 3938) to authorize the Secretary of the Interior to convey to the Rio Grande Junction Railway Company certain lands in the State of Colorado in lieu of certain other lands in said State conveyed by the said company to the United States; and

An act (S. 4370) granting a pension to John M. Dunn.

FINAL ADJOURNMENT.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had agreed to the amendment of the Senate to the concurrent resolution of the House fixing the time of the final adjournment of Congress, with an amendment in which the concurrence of the Senate was requested.

Mr. SHERMAN. I ask that the amendment of the House of Representatives be laid before the Senate.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the amendment of the Senate, which was, in line 9, after the word "at," to strike out "5" and insert "6," so as to read:

Resolved by the House of Representatives (the Senate concurring). That the President of the Senate and the Speaker of the House of Representatives declare their respective Houses adjourned without day on Wednesday, the 1st day of October, 1890, at 6 o'clock p. m.

Mr. SHERMAN. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

NOTIFICATION TO THE PRESIDENT.

At 5 o'clock and 12 minutes p. m. Mr. SHERMAN and Mr. HARRIS, of the joint committee appointed to wait upon the President of the United States and notify him that Congress was ready to adjourn, appeared at the bar of the Senate, and

Mr. SHERMAN said: Mr. President, the committee of the two Houses appointed to wait upon the President and inform him that the two Houses had concluded their business and were prepared to adjourn if he had no further communication to make, have performed that duty, and the President answered that he has no further communication to make.

I move that the Senate take a recess until ten minutes before 6 o'clock.

The motion was agreed to; and at the expiration of the recess the Senate reassembled.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had concurred in the concurrent resolution of the Senate, that the President, if in his opinion not incompatible with the public interests, be requested to enter into negotiations with the Governments of Great Britain and Mexico with a view to securing treaty stipulations with those Governments for the prevention of the entry of Chinese laborers from the Dominion of Canada and Mexico into the United States.

FINAL ADJOURNMENT.

The hour of 6 o'clock having arrived,

The VICE-PRESIDENT. Senators, before making the announcement that will leave you at liberty to return to your homes, I beg

to express my most grateful appreciation of the resolution of approval and confidence with which you have honored me. Assuming as I did the responsibilities of the Chair without previous experience as a presiding officer, it is not necessary for me say that if I have discharged the delicate and important duties of the position in a satisfactory manner, it is due to the indulgent consideration and cordial co-operation which I have received from every Senator on this floor.

I indulge in the earnest hope that I may be permitted, upon the re-assembling of Congress, to see every member of this body in his seat, in renewed health and strength after a season of rest from the arduous labors of this the longest continuing session, with one exception, in the history of the Government.

I feel that I may, with good warrant, congratulate the Senate and the country upon the large number of important measures which have received the careful consideration of this body and become laws.

It only remains for me to declare, as I now do, that the Senate stands adjourned without day.

NOMINATIONS.

Executive nominations received by the Senate the 1st day of October, 1890.

PROMOTIONS IN THE ARMY.

Ordnance Department.

Lieut. Col. Daniel W. Flagler, to be colonel, September 15, 1890, vice Baylor, deceased.

Retired.

George M. Wheeler, now a captain on the retired-list of the Army, to be a major on that list, with the rank and pay of that grade from the 23d of July, 1888.

CONFIRMATIONS.

Executive nominations confirmed by the Senate September 29, 1890.

PROMOTIONS IN THE NAVY.

Commander Edwin C. Merriman, to be a captain in the Navy.

Lieut. Commander George C. Reiter, to be a commander in the Navy.

Lieut. Frederick M. Symonds, to be a lieutenant-commander in the Navy.

Lieut. Clifford J. Boush, junior grade, to be a lieutenant in the Navy.

Ensign Thomas W. Ryan, to be a lieutenant, junior grade, in the Navy.

PROMOTIONS IN THE ARMY.

First Regiment of Cavalry.

Second Lieut. James B. Aleshire, to be first lieutenant.

Second Regiment of Infantry.

First Lieut. Sidney E. Clark, to be captain.

Second Lieut. Virgil J. Brumback, to be first lieutenant.

First Regiment of Cavalry.

Additional Second Lieut. James Madison Andrews, jr., of the Fifth Cavalry, to be second lieutenant.

POSTMASTERS.

Adam D. Rike, to be postmaster at Thomasville, in the county of Thomas and State of Georgia.

Mathen D. Fly, to be postmaster at Water Valley, in the county of Yalobusha and State of Mississippi.

Silas C. Bordick, to be postmaster at Alfred Centre, in the county of Allegany and State of New York.

Stephen T. Andrews, to be postmaster at Franklinville, in the county of Cattaraugus and State of New York.

William S. Hamilton, to be postmaster at Greenville, in the county of Washington and State of Mississippi.

Albert M. Row, to be postmaster at Clearfield, in the county of Clearfield and State of Pennsylvania.

Solon H. Johnson, to be postmaster at Clayton, in the county of Jefferson and State of New York.

Henry P. Horton, to be postmaster at Philmont, in the county of Columbia and State of New York.

Executive nominations confirmed by the Senate October 1, 1890.

PROMOTIONS IN THE ARMY.

Ordnance Department.

Lieut. Col. Daniel W. Flagler, to be colonel, September 15, 1890, vice Baylor, deceased.

Retired.

George M. Wheeler, now a captain on the retired-list of the Army, to be a major on that list, with the rank and pay of that grade from the 23d of July, 1888.

DISTRICT PARK COMMISSIONERS.

Henry V. Boynton, of the District of Columbia, to be a commissioner, as provided for by an act of Congress approved September 27, 1890, en-

titled "An act authorizing the establishing of a public park in the District of Columbia."

Samuel P. Langley, of the District of Columbia, to be a commissioner, as provided for by an act of Congress approved September 27, 1890, entitled "An act authorizing the establishing of a public park in the District of Columbia."

R. Ross Perry, of the District of Columbia, to be a commissioner, as provided for by an act of Congress approved September 27, 1890, entitled "An act authorizing the establishing of a public park in the District of Columbia."

CONTINENTAL RAILWAY COMMISSIONERS.

Alexander J. Cassatt, of Pennsylvania, to be a member of the Continental Railway Commission.

Henry G. Davis, of West Virginia, to be a member of the Continental Railway Commission.

George M. Pullman, of Illinois, to be a member of the Continental Railway Commission.

APPOINTMENT IN THE NAVY.

Richard H. Jackson, a resident of Alabama, to be an ensign in the Navy.

UNITED STATES CONSULS.

Charles H. Shepard, of Massachusetts, to be consul of the United States at Gathenberg.

Joseph Black, of Ohio, to be consul of the United States at Budapest.

Oscar Malmros, of Minnesota, to be consul of the United States at Denia.

MINISTERS RESIDENT AND CONSULS-GENERAL.

George S. Batcheller, of New York, to be minister resident and consul-general of the United States to Portugal.

Sempronius H. Boyd, of Missouri, to be minister resident and consul-general of the United States to Siam.

PROMOTIONS IN THE ARMY.

Fifteenth Regiment of Infantry.

First Lieut. George A. Cornish, to be captain.

Second Lieut. Edward Lloyd, to be first lieutenant.

Medical Department.

Maj. Blencowe E. Fryer, surgeon, to be assistant medical purveyor.

Capt. Stevens G. Cowdrey, assistant surgeon, to be surgeon.

Cavalry.

First Lieut. Henry H. Bellas, United States Army, retired, to be captain of cavalry.

COLLECTOR OF CUSTOMS.

Ezra B. Bailey, of Connecticut, to be collector of customs for the district of Hartford, in the State of Connecticut.

SURVEYOR OF CUSTOMS.

John F. Rector, of Illinois, to be surveyor of customs for the port of Cairo, in the State of Illinois.

INDIAN AGENT.

David L. Shipley, of Herndon, Iowa, to be agent for the Indians of the Navajo agency, in New Mexico.

GOVERNOR OF ARIZONA.

John N. Irwin, of Iowa, to be governor of Arizona.

FIRST ASSISTANT POSTMASTER-GENERAL.

Smith A. Whitfield, of Cincinnati, Ohio, to be First Assistant Postmaster-General.

SECOND ASSISTANT POSTMASTER-GENERAL.

James Lowrie Bell, of Philadelphia, Pa., to be Second Assistant Postmaster-General.

TERRITORIAL ASSOCIATE JUSTICE.

Alfred A. Freeman, of Tennessee, to be associate justice of the supreme court of the Territory of New Mexico.

COLLECTOR OF INTERNAL REVENUE.

William Wallace Rollins, of North Carolina, to be collector of internal revenue for the fifth district of North Carolina.

POSTMASTERS.

Henry H. Myers, to be postmaster at Brinkley, in the county of Monroe and State of Arkansas.

Charles W. Cox, to be postmaster at Conway, in the county of Faulkner and State of Arkansas.

William P. Rucker, to be postmaster at Lewisburgh, in the county of Greenbrier and State of West Virginia.

Morley H. Wallis, to be postmaster at Houma, in the county of Terre Bonne and State of Louisiana.

Prelate D. Barker, to be postmaster at Mobile, in the county of Mobile and State of Alabama.

Robert R. Tolbert, to be postmaster at Greenwood, in the county of Abbeville and State of South Carolina.

William W. Washburn, to be postmaster at Morgan Park, in the county of Cook and State of Illinois.

Michael M. Kistler, to be postmaster at East Stroudsburg, in the county of Monroe and State of Pennsylvania.

Nelson H. Hastings, to be postmaster at Austin, in the county of Potter and State of Pennsylvania.

Robert H. Wilson, to be postmaster at Tarentum, in the county of Allegheny and State of Pennsylvania.

Henry Andrews, to be postmaster at Ardmore, in the county of Montgomery and State of Pennsylvania.

Anna H. Griscom, to be postmaster at Jenkintown, in the county of Montgomery and State of Pennsylvania.

Seth Orme, to be postmaster at St. Clair, in the county of Schuylkill and State of Pennsylvania.

James M. Overshimer, to be postmaster at Elwood, in the county of Madison and State of Indiana.

Joseph F. Doyle, to be postmaster at Savannah, in the county of Chatham and State of Georgia.

Hubert E. Carpenter, to be postmaster at East Hampton, in the county of Middlesex and State of Connecticut.

Sidney A. Breese, to be postmaster at Cottonwood Falls, in the county of Chase and State of Kansas.

George E. Comstock, to be postmaster at Fayette, in the county of Fayette and State of Iowa.

William A. McDaniel, to be postmaster at Thorntown, in the county of Boone and State of Indiana.

William L. Bingham, to be postmaster at Pineville, in the county of Bell and State of Kentucky.

Wilson Lill, to be postmaster at Weir, in the county of Cherokee and State of Kansas.

Henry E. Cowgill, to be postmaster at Baldwin, in the county of Douglas and State of Kansas.

John Furniss, to be postmaster at Nashville, in the county of Barry and State of Michigan.

Daniel A. Hurd, to be postmaster at North Berwick, in the county of York and State of Maine.

Albert E. Rankin, to be postmaster at Augusta, in the county of Bracken and State of Kentucky.

Fred E. Wheeler, to be postmaster at Appleton, in the county of Swift and State of Minnesota.

Joseph McMurtrey, to be postmaster at Windom, in the county of Cottonwood and State of Minnesota.

August E. Anderson, to be postmaster at Kasson, in the county of Dodge and State of Minnesota.

Charles J. S. Randal, to be postmaster at Rouse's Point, in the county of Clinton and State of New York.

William C. May, to be postmaster at Gothenburgh, in the county of Dawson and State of Nebraska.

Thaddens S. Clarkson, of Omaha, Nebr., to be postmaster at Omaha, Nebr.

Christopher Ehni, to be postmaster at Raritan, in the county of Somerset and State of New Jersey.

William N. Hewitt, to be postmaster at Bridgeton, in the county of Cumberland and State of New Jersey.

Woodhull N. Raynor, to be postmaster at Sayville, in the county of Suffolk and State of New York.

Lambert A. Bristol, to be postmaster at Morganton, in the county of Burke and State of North Carolina.

William P. Phelps, to be postmaster at Merchantville, in the county of Camden and State of New Jersey.

Thomas Palmer, to be postmaster at Frenchtown, in the county of Hunterdon and State of New Jersey.

Carleton A. Horn, to be postmaster at Plain City, in the county of Madison and State of Ohio.

Charles W. Dawson, to be postmaster at New Richmond, in the county of Clermont and State of Ohio.

Theodore E. McCrary, to be postmaster at Lexington, in the county of Davidson and State of North Carolina.

William S. Chase, to be postmaster at Sturgis, in the county of Lawrence and State of South Dakota.

Mary S. J. McGroarty, to be postmaster at College Hill, in the county of Hamilton and State of Ohio.

Frederick Knagi, to be postmaster at Toronto, in the county of Jefferson and State of Ohio.

William E. Singleton, jr., to be postmaster at Atlanta, in the county of Cass and State of Texas.

Robert H. Armstrong, to be postmaster at Kaufman, in the county of Kaufman and State of Texas.

Frank H. Hooper, to be postmaster at Eureka, in the county of McPherson and State of South Dakota.

Frank L. Martin, to be postmaster at Bethel, in the county of Windsor and State of Vermont.

George M. Douglass, to be postmaster at West Rutland, in the county of Rutland and State of Vermont.

George W. Smith, to be postmaster at Ballinger, in the county of Runnels and State of Texas.

August Hoppe, to be postmaster at Apalachicola, in the county of Franklin and State of Florida.

Michael Sweet, to be postmaster at Plymouth, in the county of Sheboygan and State of Wisconsin.

Amos F. Stevens, to be postmaster at Aberdeen, in the county of Chehalis and State of Washington.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, October 1, 1890.

The House met at 12 o'clock m. Prayer by Rev. J. H. CUTHBERT, D. D.

Mr. BRECKINRIDGE. Mr. Speaker, I make the point of order that no quorum has appeared.

The SPEAKER. The gentleman makes the point of order that there is no quorum present. The Chair will ascertain.

MESSAGE FROM THE SENATE.

Pending the count by the Speaker, a message from the Senate, by Mr. McCook, its Secretary, was received, announcing that the Senate had agreed to the amendments of the House to bills of the following titles:

A bill (S. 3196) granting an increase of pension to Michael McGarvey;

A bill (S. 4370) granting a pension to John M. Dunn; and

A bill (S. 3314) granting the right of way to the Red Lake and Western Railway and Navigation Company across Red Lake reservation, in Minnesota, and granting said company right of way to take lands for terminal railroad and warehouse purposes.

The message also announced that the Senate had passed a concurrent resolution providing for the re-enrollment, with an amendment, of the bill (S. 145) for the relief of the legal representatives of Henry S. French.

The message also announced that the Senate had passed a resolution directing the Clerk of the House to number consecutively the paragraphs and sections of the bill (H. R. 9416) to reduce the revenue and equalize the duties on imports, and for other purposes, in the enrollment of the bill.

The message also announced that the Senate had agreed to the report of the committees of conference on bills and joint resolution of the following titles:

A bill (S. 1454) to increase the efficiency and reduce the expenses of the Signal Corps of the Army and to transfer the weather service to the Department of Agriculture;

A bill (H. R. 2990) for the relief of J. L. Cain and others; and

Joint resolution (H. Res. 104) to permit the Secretary of War to grant a revocable license to use a pier, as petitioned by vessel-owners of Chicago, Ill.

The message further announced that the Senate had disagreed to the amendment of the House to the bill (S. 3431) granting a pension to Martha N. Hudson, asked for a conference on the disagreeing votes of the two Houses thereon, and had appointed as conferees on the part of the Senate Mr. DAVIS, Mr. BLAIR, and Mr. BLODGETT.

The message further announced that the Senate insisted on its amendments, disagreed to by the House, to the bill (H. R. 10639) to amend section 2 of the act of May 30, 1862, agreed to a conference thereon, and had appointed as conferees on the part of the Senate Mr. WALTHALL, Mr. PLUMB, and Mr. DOLPH.

The message also announced that the Senate had passed a joint resolution (H. Res. 208) to allow the Postmaster-General to expend \$10,000 to test at the small towns and villages the system of the free-delivery service, and for other purposes.

The message further announced that the Senate had passed a bill (H. R. 12187) to set apart certain tracts of land in the State of California as forest reservations.

A further message from the Senate, by Mr. McCook, its Secretary, announced that the Senate had adopted the following resolution; in which the concurrence of the House was requested:

Resolved by the Senate (the House of Representatives concurring), That there be printed 10,000 extra copies of the reports of committees, and discussions thereon, of the International American Conference; 2,000 of which shall be for the use of the Senate, 4,000 for the use of the House, and 4,000 for distribution by the State Department.

The message also announced that the Senate had adopted the following resolution:

Resolved, That a committee be appointed on the part of the Senate, to join such committee as may be appointed by the House of Representatives, to wait on the President of the United States and inform him that, unless he may have any further communication to make, the two Houses are now ready to adjourn.

Ordered, That Mr. SHERMAN and Mr. HARRIS be members of the said committee on the part of the Senate.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries, who

also announced that the President had approved and signed House acts of the following titles:

An act (H. R. 1279) granting a pension to Mrs. M. E. Daniels;
 An act (H. R. 2317) granting a pension to Anna McCreary;
 An act (H. R. 2318) granting a pension to Malinda Foreman;
 An act (H. R. 2487) granting a pension to Micager Hancock;
 An act (H. R. 2550) granting a pension to William C. Ebert;
 An act (H. R. 4688) granting a pension to Rev. Thomas James;
 An act (H. R. 4858) granting a pension to Abigail Hughes;
 An act (H. R. 5521) granting a pension to Miss Frances Thatcher;
 An act (H. R. 5812) granting a pension to Alonzo Hix;
 An act (H. R. 6195) granting a pension to Clarissa Barker;
 An act (H. R. 7523) granting a pension to Calvin Gunn;
 An act (H. R. 7574) granting a pension to Mrs. Leonora Coon;
 An act (H. R. 8163) granting a pension to W. W. Seely;
 An act (H. R. 8234) granting a pension to Catherine Lawrence;
 An act (H. R. 8300) granting a pension to John A. Anderson;
 An act (H. R. 8473) granting a pension to Thompson Riley;
 An act (H. R. 8918) granting a pension to Mrs. Emeline Jane Bushnell;
 An act (H. R. 9054) granting a pension to Sarah McCormick;
 An act (H. R. 9084) granting a pension to David Stockwell;
 An act (H. R. 9716) granting a pension to John Grace;
 An act (H. R. 9934) granting a pension to Conrad McLain;
 An act (H. R. 10075) granting a pension to Montraville A. Harrington;
 An act (H. R. 10572) granting a pension to Mrs. Marvin L. McCulloh;
 An act (H. R. 8028) for the relief of Alexander Callison;
 An act (H. R. 9126) for the relief of William W. Reed, formerly a private of Company D, Ninety-sixth Regiment of Ohio Volunteers;
 An act (H. R. 9371) for the relief of Fanny A. Putney;
 An act (H. R. 10429) for the relief of Uriah Bryant;
 An act (H. R. 7917) granting an increase of pension to Eliza Esner, a pensioner of the war of 1812;
 An act (H. R. 8211) granting an increase of pension to Mrs. Rebecca E. Simon;
 An act (H. R. 9316) granting an increase of pension to Thomas G. Bosc;
 An act (H. R. 11481) granting an increase of pension to Edwin D. Bradley, late colonel of the Thirty-eighth Regiment Ohio Volunteers;
 An act (H. R. 2106) to remove the charge of desertion against Daniel W. Selleck;
 An act (H. R. 2174) to remove charges of desertion from Ellery C. Folger;
 An act (H. R. 1358) to remove the charge of desertion against John Milroy, and authorizing his honorable discharge;
 An act (H. R. 1268) to perfect the military record of James T. Hughes;
 An act (H. R. 8394) to amend chapter 67, volume 23 of the Statutes at Large of the United States;
 An act (H. R. 3857) to provide for the disposal of a portion of the United States military reservation at Baton Rouge, La.;
 An act (H. R. 11459) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1890, and for prior years, and for other purposes;
 An act (H. R. 8713) granting a pension to Rhoda Buck;
 An act (H. R. 11578) granting a pension to Rebecca A. Green;
 An act (H. R. 10083) for the relief of George Murray;
 An act (H. R. 8210) granting an increase of pension to Maria L. Caraher; and
 An act (H. R. 11773) granting an increase of pension to Mrs. Mary B. Cushing.

ORDER OF BUSINESS.

Mr. BRECKINRIDGE (after a pause). I withdraw the point of no quorum.

The SPEAKER. The Clerk will read the Journal.

Mr. KILGORE. I renew the point of no quorum.

Mr. HARE. I renew it also.

Mr. KILGORE (after a further pause). Mr. Speaker, I withdraw the point of no quorum.

The SPEAKER. The gentleman withdraws the point. If there is no further objection, the Clerk will read the Journal.

The Journal of the proceedings of yesterday was then read and approved.

THE REVENUE BILL.

Mr. MCKINLEY. Mr. Speaker, I now call up the concurrent resolution passed by the House on yesterday and returned to us this morning with an amendment by the Senate.

The SPEAKER. The resolution will be read and also the Senate amendment.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the Clerk of the House be, and he is hereby, directed to number consecutively the paragraphs and sections of House bill 9416, to reduce the revenue and equalize duties on imports, and for other purposes, in the enrollment of the bill.

The Senate amendment was read, as follows:

And he is hereby further directed to enroll paragraphs 362 and 372, as follows:
 "362. Cables, cordage, and twine (except binding-twine composed in whole or in part of istle or Tampico fiber, manila, sisal-grass, or sunn), 15 cents per pound; all binding-twine manufactured in whole or in part of istle or Tampico fiber, manila, sisal-grass, or sunn, seven-tenths of 1 cent per pound; cables and cordage made of hemp, 24 cents per pound; tarred cables and cordage, 3 cents per pound.

"372. Collars and cuffs, composed entirely of cotton, 15 cents per dozen pieces and 35 per cent. ad valorem; composed in whole or in part of linen, 30 cents per dozen pieces and 40 per cent. ad valorem; shirts, and all articles of wearing apparel of every description, not specially provided for in this act, composed wholly or in part of linen, 55 per cent. ad valorem."

The SPEAKER. The question is on agreeing to the amendment of the Senate.

Mr. McMILLIN. I believe, Mr. Speaker, this is not privileged, and while I do not wish to make that point, yet I do not want to be understood as consenting that this matter is privileged. I wish to make a statement concerning it after the gentleman from Ohio has been heard.

Mr. MCKINLEY. I will state that the concurrent resolution proposes to direct the Clerk of the House to enroll the fact of the agreement between the conferees of the House and Senate. There was an omission, as everybody I believe agrees, in the enrollment of the bill, and the only wonder is that in so long a bill, embodying such a number of various matters, we have had no more errors in the enrollment and report of the committee of conference than we have found.

I hold in my hand a supplemental statement signed by the Senate conferees consenting that the two items named in the Senate amendment to this resolution formed a part of the original agreement between the conferees of the House and Senate on this bill.

Mr. TURNER, of Georgia. My friend of course means to speak of the majority members?

Mr. MCKINLEY. No; I speak of the members of the minority as well.

Mr. TURNER, of Georgia. Then I should like to have that statement read.

Mr. MCKINLEY. This statement is as follows:

The undersigned, conferees on the part of their respective Houses on the bill H. R. 9416, respectfully submit that the following was agreed to as paragraphs 362 and 372 of said bill, and that said paragraphs as submitted in the conference report are erroneous:

362. Cables, cordage, and twine (except binding-twine composed in whole or in part of istle or Tampico fiber, manila, sisal-grass, or sunn), 15 cents per pound; all binding-twine manufactured in whole or in part from istle or Tampico fiber, manila, sisal-grass, or sunn, seven-tenths of 1 cent per pound; cables and cordage made of hemp, 24 cents per pound; tarred cables and cordage, 3 cents per pound.

372. Collars and cuffs, composed entirely of cotton, 15 cents per dozen pieces and 35 per cent. ad valorem; composed in whole or in part of linen, 30 cents per dozen pieces and 40 per cent. ad valorem; shirts, and all articles of wearing apparel of every description, not specially provided for in this act, composed wholly or in part of linen, 55 per cent. ad valorem.

W. MCKINLEY, JR.,
 N. DINGLEY, JR.,
 ROSWELL F. FLOWER,
Managers on the part of the House.
 NELSON W. ALDRICH,
 J. G. CARLISLE,
 FRANK HISCOCK,
 JOHN SHERMAN,
 D. W. VOORHEES,
 W. B. ALLISON,
Managers on the part of the Senate.

Mr. TURNER, of Georgia. My friend does not quite catch the point I submitted. I do not question the fact that this was agreed to in conference, but what I meant to intimate was that it was not agreed to by all of the conferees.

Mr. MCKINLEY. Oh, certainly not; only by the majority conferees.

But the only question before the House now is whether this is a part of the agreement between the conferees of both bodies. The paper I hold in my hand, to which I have just called attention, is signed, as will be seen, by the Senate conferees, and specifies that the exact words of this resolution were the agreement between the conferees of the House and Senate—I mean the majority, of course.

Mr. ANDERSON, of Kansas. Does this change the duty on binders' twine from what the action of the House was?

Mr. MCKINLEY. Not at all; it only provides, I will say to the gentleman, for the insertion of a portion of the agreement of the conferees which was omitted. The error was committed in leaving out of paragraph 362 the words "istle or Tampico fiber and sisal-grass." These words were left out in the enrollment, as I have just shown, and were agreed to by the conferees.

I believe that is all I desire to say.

Mr. McMILLIN. Mr. Speaker, the gentleman from Ohio has stated what the action of the conferees on this subject was, and has stated it accurately. The majority of the conferees, who constituted the conferees on the part of the House, so far as the report is concerned, agreed to the items that the gentleman from Ohio has indicated, but by a mistake, which is not surprising when we consider the hurried manner in which we undertook to dispose of the matters involved here, and in which this bill has always been rushed through the House, they were left out.

Binders' twine was made, if I remember correctly, dutiable at 1½ cents per pound by the House bill. The Senate Committee on Finance recommended a duty of 1½ cents, but the Senate itself, when it came to act upon the report of this committee, made it free. The conferees agreed, as stated by the gentleman from Ohio, to tax it at seven-tenths of a cent.

Mr. McKINLEY. Seven-tenths of a cent.

Mr. McMILLIN. Yes; seven-tenths of a cent. These are the facts as to binders' twine. But there is this further fact concerning an objection to this proceeding: While I would state here, at all times what the action of the conferees was, I would never consent to any step that raised the duty on binders' twine. But if this is not agreed to, binders' twine will probably go to the basket clause that applies to that schedule, and bear a duty of 40 per cent., which is more than that provided in the conference report.

As to the items of collars, cuffs, etc., the House made the rate of duty 50 per cent. ad valorem. The Senate struck that out, and these things went to a clause analogous to the basket clause, providing that all manufactures of this material not otherwise provided for should bear a duty of 40 per cent. So that the House fixed the duty at 50 per cent; the Senate 40 per cent; and this is one of those outrageous cases where the committee of conference has increased the duty over both the House and Senate, and fixed the rate at 55 per cent. But this is coupled with binders' twine, and in order to strike at a higher rate on the collars you have also to put a higher rate on binders' twine. The Democratic conferees urged free binders' twine and the lower rate on collars, but were voted down.

That is the situation in which the House finds itself, and I thought it proper to make this statement. The House can take its own course in connection with it. The minority both of the Senate and of the House conferees resisted any imposition of any tax upon binding-twine all along the line, and resisted also the rate of duty provided on collars, etc.; but the majority of the conferees did agree to the two items, in spite of our protests, as stated by the gentleman from Ohio [Mr. McKINLEY]. [Cries of "Vote!" "Vote!"]

Mr. McKINLEY. I ask for a vote.

The resolution was agreed to.

Mr. McKINLEY moved to reconsider the vote by which the resolution was agreed to; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

CORRECTION OF THE REVENUE BILL.

Mr. McKINLEY. I offer the following resolution.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the Clerk of the House be, and he is hereby, directed, in the enrollment of House bill No. 9416, to reduce the revenues and equalize duties on imports, and for other purposes, to change paragraph 318 of the bill as follows:

Insert a parenthesis after the word "confectionery" and strike out the parenthesis after the word "chocolate" where it last occurs in the paragraph, so as to include in parenthesis only the words "other than chocolate confectionery."

[Cries of "Vote!" "Vote!"]

Mr. McMILLIN. Let us have an explanation from the gentleman from Ohio [Mr. McKINLEY].

Mr. McKINLEY. I supposed the gentleman from Tennessee understood the matter, or I should have made a statement.

Mr. McMILLIN. It was merely called to my attention that there had been some mistake or blunder of some kind.

Mr. McKINLEY. Paragraph 318 reads "other than chocolate confectionery and chocolate commercially known as sweetened chocolate, 2 cents per pound." In preparing this report the clerks of the two committees had the parenthesis commence at the right point, but had it end at the wrong point. It should have ended at "confectionery" in the first line; so that it would read:

Chocolate (other than chocolate confectionery), and chocolate commercially known as sweetened chocolate, 2 cents per pound.

Mr. McMILLIN. What is the effect of the amendment? I have not a copy of the bill before me. That is the reason I ask.

Mr. McKINLEY. It in no sense affects the rate at all.

Mr. McMILLIN. What is the object of the change then?

Mr. McKINLEY. It would make the chocolate commercially known as sweetened chocolate pay five cents per pound instead of two cents, as provided for in this paragraph.

Mr. McMILLIN. That would be a change in the rates, then.

The resolution was agreed to.

Mr. GROSVENOR and Mr. CARTER addressed the Chair.

The SPEAKER. The Chair would like to finish the business on the Speaker's table, if there is no objection.

MARTHA N. HUDSON.

The SPEAKER laid before the House the bill (S. 3431) granting a pension to Martha N. Hudson, with House amendments.

The Senate resolution requesting a conference and announcing the appointment of Mr. DAVIS, Mr. BLAIR, and Mr. BLODGETT as conferees on the part of the Senate was read.

The SPEAKER. The question is, Will the House insist on its amendment and agree to the committee of conference?

The question was taken, and decided in the affirmative.

Accordingly the House insisted on its amendment and agreed to the committee of conference.

HENRY S. FRENCH.

The SPEAKER laid before the House a Senate concurrent resolution; which was read, as follows:

Whereas Senate bill No. 145, for the relief of the legal representatives of Henry S. French, referred the claim to the Court of Claims; and Whereas said bill does not require said Court of Claims to determine the jurisdictional fact of the loyalty of the said Henry S. French; and

Whereas said bill passed the Senate and subsequently passed the House of Representatives and was sent to the President, and was, by concurrent resolution, recalled from the President in order that the bill should be so amended as to require the court to determine the question of loyalty of the said Henry S. French: Therefore,

Resolved by the Senate (the House of Representatives concurring), That said bill be re-enrolled, and in the re-enrollment of said bill there shall be inserted, after the word "parties," in line 9 of said enrolled bill, the following:

"And if said court shall find that said Henry S. French, did not give any aid and comfort to the rebellion, but was throughout the war loyal to the Government of the United States, and such loyalty having been thus established,"

So that said bill when re-enrolled shall read as follows:

"An act for the relief of the legal representatives of Henry S. French.

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the legal representatives of Henry S. French, deceased, late of Nashville, Tenn., be, and are hereby, authorized to bring suit in the Court of Claims for the recovery of the net proceeds of 230 bales of cotton taken at Jonesborough, Ga., in September, 1864, by General William G. Le Duc, by order of General Sherman, and turned over to the Treasury agent, and by him sold and the proceeds paid into the Treasury of the United States; and for this purpose jurisdiction is hereby conferred upon said court to hear and determine and render judgment in conformity with the rights of the respective parties; and if said court shall find that said Henry S. French did not give any aid and comfort to the rebellion, but was throughout the war loyal to the Government of the United States, and said loyalty having been thus established, if it shall further find that said Henry S. French in buying such cotton did not violate any non-intercourse act, and that it, or any part thereof, was taken by the officers of the United States and the proceeds turned into the Treasury, then, and in that event, judgment shall be entered for the claimant for such proceeds, which judgment shall be paid out of the captured and abandoned property fund; and the said court shall, in the hearing of said claim, consider any evidence that may have been taken under the direction of the Southern Claims Commission in regard to the claim of Henry S. French, with authority on the part of the United States or the claimants to take additional testimony under the rules of said court: Provided, That an appeal shall lie in said cause from said court to the Supreme Court, as in other cases."

Mr. RICHARDSON. Mr. Speaker, I ask for the present consideration of the resolution. I understand that to be a concurrent resolution affecting a bill which was passed earlier in the session in regard to a claimant in Tennessee. The bill as it passed did not provide that the question of loyalty should be found by the Court of Claims, and this simply remedies it by requiring the question of loyalty to be affirmatively found, as is usual in such cases. I move to put the resolution on its passage.

The SPEAKER. The question is on concurring in the Senate resolution.

The resolution was concurred in.

NOTIFICATION TO THE PRESIDENT.

The SPEAKER laid before the House the following Senate resolution. The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, October 1, 1893.

Resolved, That a committee of two Senators be appointed on the part of the Senate to join such committee as may be appointed by the House of Representatives to wait on the President of the United States and inform him that, unless he may have any further communication to make, the two Houses are now ready to adjourn.

Ordered, That Mr. SHERMAN and Mr. HARRIS be members of said committee on the part of the Senate.

Mr. McKINLEY. In connection with that I offer the following resolution.

The Clerk read as follows:

Resolved, That a committee of three members be appointed to join a similar committee on the part of the Senate to wait on the President of the United States and inform him that the two Houses of Congress are ready to adjourn, and respectfully inquire if he has any further communication to make to them.

The resolution was agreed to.

The SPEAKER subsequently appointed as members of such committee on the part of the House Mr. McKINLEY, Mr. PERKINS, and Mr. McMILLIN.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill to amend section 2 of the act of May 30, 1892.

VETO MESSAGE—CAPT. CHARLES B. STIVERS.

The SPEAKER laid before the House the following message from the President; which was read, and, with accompanying bill, referred to the Committee on Military Affairs, and ordered to be printed:

To the House of Representatives:

I return herewith, without my approval, the joint resolution (H. Res. No. 39) declaring the retirement of Capt. Charles B. Stivers, of the United States Army, legal and valid and that he is entitled, as such officer, to his pay.

Captain Stivers was dismissed the service summarily by order of the President on July 15, 1863. A subsequent examination into the causes leading to this action seems to have satisfied the President that an injustice had been done to the officer, and on the 11th day of August, 1863, an order was issued revoking

the order of dismissal and restoring Captain Stivers to duty as an officer of the Army. On December 30, 1864, by a proper order from the War Department, after examination, Captain Stivers was placed upon the retired-list of the Army.

The Supreme Court has decided, in the case of the United States vs. Corson, 114 U. S. Reports, 619:

First. That at the time of the issuance of the order of dismissal the President had such authority, under the law, to summarily dismiss an officer, and that the effect of such an order was absolutely to separate the officer from the service.

Second. That, having been thus separated from the service, he could not be restored except by nomination to the Senate and its advice and consent to the appointment.

Mr. Garland, as Attorney-General, gave an opinion to the Secretary of War in the case of Captain Stivers, based upon the decision of the Supreme Court to which I have referred, holding that Captain Stivers was not an officer on the retired-list of the Army. The present Attorney-General, with whom I have conferred, takes the same view of the law. Indeed, the decision of the Supreme Court to which I have referred is so exactly in point that there can be no doubt as to the law of the case. It is undoubtedly competent for Congress, by act or joint resolution, to authorize the President, by and with the advice of the Senate, to appoint Captain Stivers to be a captain in the Army of the United States and to place him upon the retired-list. It is also perfectly competent, by suitable legislation, for Congress to give to this officer the pay of his grade during the interval of time when he was improperly carried upon the Army lists. But the joint resolution which I herewith return does not attempt to deal with the case in that way. It undertakes to declare that the retirement of Captain Stivers was legal and valid, and that he always has been and is entitled to his pay as such officer. I do not think this is a competent method of giving the relief intended. The retirement, under the law as it then existed, was not legal and valid, as the highest judicial tribunal under the Constitution has declared, for the reason that Captain Stivers was not then an officer on the active-list. That being so, it follows of course that he was not entitled to draw the pay of an officer he did not hold.

The relief should have taken the form usual in such cases, which is to authorize the appointment of the officer to a place made for him on the retired-list.

EXECUTIVE MANSION, September 30, 1890.

BENJ. HARRISON.

OBSTRUCTIONS TO NAVIGATION IN THE OHIO RIVER.

Mr. GROSVENOR. Mr. Speaker, I have a privileged report which I submit for consideration.

The Clerk read as follows:

Mr. GROSVENOR, from the Committee on Rivers and Harbors, submitted the following report:

The Committee on Rivers and Harbors, to whom was referred House resolution No. 230, have had the same under consideration and beg leave to submit the following report:

It appears from the report of the engineer in charge of the Ohio River and from statements made to the committee that there has been for a number of years past a systematic series of encroachments upon the Ohio River within the limits of Cincinnati, and above and below the city of Cincinnati, and at various other points on the Ohio River. Persons and corporations, without any authority of law, have built and constructed large warehouses, wharves, docks, and other structures, and have changed the current of the river and made navigation in the vicinity of Cincinnati especially dangerous. The construction of a number of railroad bridges at Cincinnati has had the effect to change the current there, and the construction of its works, it is said, has materially affected the navigation. As long ago as November 30, 1889, Col. Merrill wrote the following letter, and the same was furnished to your committee:

"CINCINNATI, OHIO, November 30, 1889.

"GENERAL: I have the honor to inform the Department that serious damage has been done to the harbors of Pittsburgh and Allegheny, Pa., Wheeling, W. Va., and Cincinnati, Ohio, by the use of the banks of the river as a dumping ground for refuse. In my judgment it is advisable to take action at once to prevent this practice under the authority granted in section 12 of the river and harbor act of August 11, 1888.

"In this connection I would like to call attention to the fact that the law in question does not specify any method of enforcing obedience to the mandate of the Secretary of War, nor any penalty for disobedience. I am not enough of a lawyer to know whether or not the law can be enforced in its present shape, but I have always supposed that the lack of sanction was a fatal defect in a law. If this be so I would prefer to take no steps at present, but to await more efficient legislation.

"Respectfully, your obedient servant,

"WM. E. MERRILL,

"Lieutenant-Colonel of Engineers.

"THE CHIEF OF ENGINEERS, UNITED STATES ARMY,

"Washington, D. C."

It will be seen that Colonel Merrill suggests a change in the statute, and this change has been practically effected in the river and harbor bill of this year. But these structures and encroachments still stand, and many of them are of a character to be permanent obstructions; not only so, but rights by limitation are sought to be gained by the occupants.

Your committee are of the opinion that action by Congress ought to be taken, first to ascertain the nature and extent of these encroachments and structures, and, further, the length of time such occupation has been going on, and many facts pertinent to the proper adjustment of the situation.

Your committee therefore recommend the passage of the resolution, when it shall be amended as follows: Add at the end of the resolution the following: "Such expense to be paid by the Clerk of the House upon the certificate of the chairman of such committee or subcommittee having such investigation in charge, and such committee may sit during the vacation of Congress, if necessary."

Mr. BRECKINRIDGE. A parliamentary inquiry, Mr. Speaker. I did not hear all the remarks of the gentleman as to the report from the Committee on Rivers and Harbors. Is it not a bill or resolution?

Mr. GROSVENOR. It is simply a resolution authorizing a subcommittee of the Committee on Rivers and Harbors to examine certain locations in regard to these obstructions.

Mr. BRECKINRIDGE. I did not hear the gentleman's statement.

Mr. GROSVENOR. It authorizes a subcommittee of the Committee on Rivers and Harbors, during the vacation, to examine the structures that have been extended into the Ohio River under this complaint and report to Congress. That is all. The request for such action comes from the Chief of Engineers and from the Board of Trade of Cincinnati.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

[House of Representatives, Fifty-first Congress, first session.]

House resolution.

Whereas it is reported by the Engineer Department that persons along the Ohio River and its tributaries in the thickly settled portions of the country are, and have been for a number of years, building houses, stores, shops, factories, and other structures upon land abutting upon said rivers; and

Whereas it is further reported that divers persons and corporations have along the line of said rivers, and upon land not owned by them, built out and projected large deposits of earth, stone, and other material so as to form lots and portions of land upon which lumber structures and buildings of various kinds have been placed; and

Whereas said parties are without a clear title, occupying said land and seeking to carry title by occupation; and

Whereas such occupation and the building of such projection and structures have the effect of narrowing the Ohio River at sundry points, and especially within the corporation at Cincinnati, to the serious detriment of the navigation of the said river; and

Whereas it is reported that further important projects in the same direction are being arranged for and that large buildings will be constructed upon land of this character shortly, unless interfered with: Therefore,

Be it resolved, That the Committee on Rivers and Harbors be instructed to ascertain and report without delay as follows:

First. Whether any persons, corporations or individuals, have by deposits of material constructed embankments or projected abutment lots out into said river and are occupying the same same without legal title thereto.

Second. Whether such projection of material and building of buildings is a detriment to the navigation of the Ohio River and its tributaries.

Third. If such occupation had been made as they represent, a list of the names of such persons so offending, with the places, lots, and locations where such interference has taken place and all the facts and circumstances necessary to a full understanding by this House as to the continuance of such occupation, and what steps are necessary to prevent the continuance of such trespasses and the removal of those already made. For this purpose the Committee on Rivers and Harbors is authorized to employ an additional clerk and stenographer and to travel from point to point, wherever necessary, either as a whole or by a subcommittee, and such necessary expenses as may be made in such investigation shall be paid out of the contingent fund of the House.

The amendment was read, as follows:

Add at the end of the resolution the following: "Such expenses to be paid by the Clerk of the House upon the certificate of the chairman of such committee or subcommittee having such investigation in charge, and such committee may sit during the vacation of Congress if necessary."

Mr. BRECKINRIDGE. A parliamentary inquiry, Mr. Speaker. Is that a privileged report of a matter referred to the Committee on Rivers and Harbors?

Mr. GROSVENOR. It is a report from the Committee on Rivers and Harbors.

Mr. BRECKINRIDGE. Is it reporting back a resolution which had been referred to that committee?

Mr. GROSVENOR. Yes, sir.

The SPEAKER. Will the gentleman from Ohio state on what ground this becomes privileged?

Mr. GROSVENOR. Under the rule.

The SPEAKER. Will the gentleman point out to the Chair what rule?

Mr. GROSVENOR. Yes, sir. It is section 51 of Rule XI:

The following-named committees shall have leave to report at any time on the matters herein stated, namely: The Committee on Rules, on joint rules and order of business; the Committee on Elections, on the right of a member to his seat; the Committee on Ways and Means, on bills raising revenue; the committees having jurisdiction of appropriations, the general appropriation bills; the Committee on Rivers and Harbors, bills for the improvement of rivers and harbors.

The SPEAKER. That speaks of a bill—"bills for the improvement of rivers and harbors."

Mr. GROSVENOR. There has not been such a construction placed upon it as would exclude a resolution. This is for the improvement of the river and the improvement of navigation. It states that injury has been done to navigation. As I stated, there has not been a construction of the rules that a resolution is not a "measure" under the rules, because, if that were so, the Committee on Rules itself could not make reports.

Mr. OWENS, of Ohio. Will my friend state how long it will take to make this investigation?

Mr. GROSVENOR. Probably not to exceed two or three days.

Mr. OWENS, of Ohio. Why is it necessary, then, to authorize the employment of clerks and a stenographer?

Mr. GROSVENOR. It only says "if necessary" they may employ one clerk. That is all.

Mr. OWENS, of Ohio. I do not like the employment of clerks. I think I will object.

Mr. GROSVENOR. It is a matter of some importance, and it is presented here at the request of the large steam-boat interest of Cincinnati, who claim that their interests have been seriously affected. I do not know that there is any point being made against the resolution.

The SPEAKER. The gentleman from Kentucky asked if it was privileged.

Mr. GROSVENOR. He asked the question; that is all. We can dispose of it in a minute or two.

The SPEAKER. Has this resolution been referred to the committee?

Mr. GROSVENOR. Yes, sir; it was referred, and is regularly reported back by the action of the committee.

The SPEAKER. There is no official indorsement on the resolution showing its reference to the Committee on Rivers and Harbors.

Mr. GROSVENOR. I can not help that. I got it from the chairman of the committee; and it was acted on by the committee. I do not know anything about the marks or the records.

The SPEAKER. Then this is not the original paper, for there are no indorsements on it.

Mr. GROSVENOR. It is the original paper. I know it is, because I drew it up myself.

The SPEAKER. Then there is some defect somewhere in the records.

Mr. GROSVENOR. The RECORD will show its reference and the record of the committee will show that it was considered by the committee. I do not know who is to blame because the proper entry has not been made on the book of reference. I can produce the books of the committee if it is necessary to do so.

The SPEAKER. The books of the House and the paper itself do not show it. That is the difficulty the Chair has about the matter.

Mr. GROSVENOR. The RECORD shows it, because I verified that at the time of its introduction. It was introduced many months ago.

The SPEAKER. Well, the Chair can only submit the facts to the House, as the papers do not show the reference, and the paper sent up is not the certified engrossed resolution.

Mr. GROSVENOR. Then, if the papers do not show the reference, I will ask unanimous consent to strike out the proceedings under it.

The SPEAKER. The gentleman makes a motion for unanimous consent for the consideration of the resolution. The Chair will submit the question to the House.

Mr. GROSVENOR. I will therefore ask unanimous consent for its consideration.

Mr. OWENS, of Ohio. I object to the stenographer in it. What do you want with a stenographer? It will not take more than four hours. Why not take out that provision for a stenographer.

Mr. GROSVENOR. Very well; strike out the provision for a stenographer. The gentleman from Ohio [Mr. OWENS] seems anxious about it.

The SPEAKER. Is there further objection?

Mr. BRECKINRIDGE. I would like the resolution to be reread—not the report.

The resolution was again reported.

The SPEAKER. Is there objection?

Mr. OWENS, of Ohio. I object to the whole thing.

The SPEAKER. The Chair desires to say in regard to this resolution that it should have been referred to the Committee on Rules, because it provides for an investigation by the Committee on Rivers and Harbors or by a subcommittee, thus changing the rules by increasing the duties and powers of the Committee on Rivers and Harbors. As there seems to have been some misunderstanding, the Chair desires to make this statement in order to keep the record clear, so that no wrong precedent may be established.

Mr. GROSVENOR. Very well; I am willing that it should go to the Committee on Rules.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced that the Senate had concurred in the House concurrent resolution in relation to the printing of the Digest of Court of Claims decisions.

ACT OF MAY 30, 1862.

Mr. PAYSON. Mr. Speaker, I desire to present a conference report. The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10639) to amend section 2 of the act of May 30, 1862, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate, and agree to the same with an amendment as follows, so that the bill as amended will read:

"That section 2399 of the Revised Statutes of the United States be amended so as to read:

"Sec. 2399. The printed manual of surveying instructions for the survey of the public lands of the United States and private land claims prepared at the General Land Office, and bearing date December 2, 1859, the instructions of the Commissioner of the General Land Office, and the special instructions of the surveyor-general, when not in conflict with said printed manual or the instructions of said Commissioner shall be taken and deemed to be a part of every contract for surveying the public lands of the United States and private land claims."

Amend the title so as to read: "An act to amend section 2399 of the Revised Statutes of the United States."

L. E. PAYSON,

E. J. TURNER,

W. S. HOLMAN,

Conferees on the part of the House.

E. C. WALTHALL,

PRESTON B. PLUMB,

JOSEPH N. DOLPH,

Conferees on the part of the Senate.

The SPEAKER. The question is on the adoption of the conference report.

Mr. BRECKINRIDGE. Is there a statement accompanying the report?

The statement of the House conferees was read, as follows:

The amendment of the Senate makes practically only a formal change in the House bill by making it an amendment to a section of the Revised Statutes instead of an "act of Congress" found in the Statutes at Large. The "act" re-

ferred to was carried into the Revised Statutes, and it is deemed better to refer to the principal act as a section of the Revised Statutes.

The report of the committee of conference was adopted.

FORT ELLIS MILITARY RESERVATION, MONTANA.

Mr. CARTER. Mr. Speaker, I desire to present a conference report. The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill of the House 8949, to provide for the disposal of the abandoned Fort Ellis military reservation in Montana under the homestead law, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to said bill, and agree to the same with an amendment as follows: Strike out all of said amendment and in lieu thereof insert the following:

"Sec. 2. That there is hereby granted to the State of Montana one section of said reservation, to be selected according to legal subdivisions so as to embrace the buildings and improvements thereon, to be used by said State as a permanent militia camp-ground, for other public purposes, in the discretion of the State Legislature: *Provided*, That whenever the State shall cease to use said lands for public purposes the same shall revert to the United States.

"Sec. 3. That the remainder of said reservation, or any portion thereof, may be selected by the State of Montana at any time within one year after the approval of the survey thereof, in tracts of not less than one section, in square form, and according to legal subdivision, as a part of the lands granted to said State under the provisions of 'An act providing for the admission of the State of Montana into the Union,' approved February 22, 1889; and the Secretary of the Interior shall cause patents for the lands so selected to be issued to the said State: *Provided*, That no existing lawful rights to any of said lands, initiated under any laws of the United States, shall be invalidated by this act: *Provided*, That if any portion of said reservation shall remain unselected by said State after a period of one year after the approval of the survey, that portion remaining unselected shall be subject to entry under the general land and mineral laws of the United States: *Provided further*, That if within said period of one year the governor of said State shall officially notify the Secretary of the Interior that the State has completed its selections, then the Secretary shall at once proclaim the remaining lands open to entry as aforesaid: *Provided further*, That nothing in this act shall be construed to waive or release in any way any right of the United States to have the lands granted to the Northern Pacific Railroad Company forfeited for any failure, past or future, to comply with the conditions of the grant."

T. H. CARTER,

W. M. KINSEY,

Managers on the part of the House.

P. B. PLUMB,

A. S. PADDOCK,

Managers on the part of the Senate.

Mr. McCREARY. Mr. Speaker, I should like to hear the statement read.

The SPEAKER. The Chair understands that there is no statement. Mr. McCREARY. Then I would like to hear the gentleman from Montana make a statement.

Mr. CARTER. Mr. Speaker, I will state to the gentleman from Kentucky that this reservation embraces about one and one-half townships of land. The reservation as a military post has been long abandoned, and the desire is to have the land thrown open to settlement. The bill provides that the State may select lands on the reservation under the grant made to the State at the time of its admission into the Union, and that when such selections shall have been made the governor shall certify that fact to the Secretary of the Interior, and the remaining portions shall thereupon immediately become open to settlement and location under the general laws of the United States.

Mr. McCREARY. How much land is embraced in this bill?

Mr. CARTER. I have already stated that the area is about one township and a half. With reference to the section that is donated to the State for use as a camp-ground, I may say that the buildings upon it would not pay for removal, nor would they, in my judgment, pay the cost of advertisement and sale where they now stand; but the State can use them, after repairing them, either for a militia camp or for some other public purpose.

Mr. McCREARY. This bill came originally from the Committee on Public Lands, I believe.

Mr. CARTER. It was favorably reported.

Mr. ALLEN, of Mississippi. I see that the bill authorizes the State of Montana to take up a certain portion of this land. How much is the State authorized to take?

Mr. CARTER. The State is authorized to take a portion of the land for school, university, and other purposes, as a part of its land grant. The object is that we may be enabled to secure a body of land in compact form whereon to establish a State university, or agricultural college, or other State institution of that kind. Under the general selections we are now permitted to make we find that all the desirable land is taken up in advance of the survey, and that only land of an inferior quality can be selected, under the school and other State grants, the settlers occupying the more desirable locations in advance of public surveys.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was delivered to the House, by Mr. PRUDEN, one of his secretaries.

FORT ELLIS MILITARY RESERVATION.

Mr. ALLEN, of Mississippi. Mr. Speaker, the report of the conference committee now under consideration provides for the disposition of the public lands in the Fort Ellis reservation to actual settlers, after allowing the State of Montana to select such lands in the res-

ervation as it may choose to take. Before adopting this report, would it not be well to inquire if there is not some railroad corporation that would like to have these public lands?

I suggest this because it seems to be the policy of the Republican party to give the railroads preference in the donation of public lands and then to give actual settlers what the railroads do not want. They have donated to railroads hundreds of millions of acres of the public domain, and only the other day passed a bill which in effect confirms to the Northern Pacific Railroad about 50,000,000 acres of public land earned after the time given in the act granting the land had expired. This 50,000,000 acres is said to be worth probably \$250,000,000, and it is confirmed to this corporation regardless of the rights of thousands of bona fide settlers who went on these lands after the expiration of the time granted this road within which to build, and in many instances before they had taken any steps toward building the road.

I have before me a statement from the Secretary of the Interior showing that there are now pending in his Department four thousand seven hundred and twenty-five cases of contest between actual settlers and this railroad. The result will be that these settlers will lose their homes. The road will get the land, and the Government will be called upon to make restitution to these settlers for their losses.

The history of the manipulation by which these forfeiture bills have been, on one pretext and another, kept from passing until the railroads have earned all of the land they wanted and then come in with their lobby and help to pass a bill forfeiting what they did not want and virtually confirming their title to all they did want is a dark one indeed. This being the record made up to this time I do not think on this, the last-day of the session, we should break it until we ascertain whether or not the railroads want this Fort Ellis reservation. [Laughter.]

Mr. KERR, of Iowa. Will the gentleman yield a moment?

Mr. ALLEN, of Mississippi. Yes, sir.

Mr. KERR, of Iowa. Has any land been confirmed to any railroad corporation by this Congress except by the act passed the other day which was advocated by the gentleman from Alabama [Mr. FORNEY]? I understand that no act has been passed for confirming any lands to any railroad company except the act favored by that gentleman, which applied only, as I understand, to some lands in Alabama.

Mr. ALLEN, of Mississippi. Yes, sir; he favored it for the purpose of forfeiting some lands in Alabama, but that act virtually and in effect, as was stated by the promoters of the act in the House and the Senate, confirms to the Northern Pacific Railroad Company all the land they wanted of the lands that had been granted to them.

Mr. KERR, of Iowa. Is it not the fact that every member of the committee that had charge of the bill said expressly that it confirmed no lands to the Northern Pacific Railroad Company?

Mr. ALLEN, of Mississippi. I do not understand that to be a fact. I understand it to be a fact that every member of the committee said that in effect it did confirm lands to the railroad company, and that the provision in the bill which declared that it did not confirm anything was stricken out.

Mr. HERMANN. On the contrary, it was distinctly stated on the floor of the Senate, at the time the provision was stricken out, that the bill did not confirm anything, because Congress still reserved the power to make forfeiture at any time hereafter.

Mr. ALLEN, of Mississippi. No, sir; the Senate voted down a proposition to reserve that right in Congress; voted it down, as was stated at the time by those favoring the bill, because that provision tended to leave a cloud upon the title of this railroad company to which the lands were in effect confirmed by the act.

Mr. HERMANN. The gentleman is very much mistaken.

Mr. ALLEN, of Mississippi. I am not mistaken.

Mr. HERMANN. The facts are as I have stated them.

Mr. HOLMAN. The gentleman from Oregon is mistaken. The Senate voted down the proposition which the House put in the bill originally.

Mr. HERMANN. The Senate voted it down for the reason, as was stated at the time, that the provision was unnecessary; that Congress still reserved the power to forfeit the lands at any time.

Mr. HOLMAN. It was distinctly stated in conference that the object in striking out the seventh section was to remove a cloud from the title of the railroad corporation.

Mr. ALLEN, of Mississippi. Mr. Speaker, the gentleman from Oregon is very much mistaken. It was stated upon the floor of the Senate and upon the floor of the House that the effect of the passage of that land-forfeiture bill was to settle the questions of land forfeitures for all time to come, the effect of which is to leave in the undisputed possession of the Northern Pacific Railroad Company all the lands that it had earned out of time. And not only was the provision in the House bill reserving the right in Congress to forfeit these lands in the future stricken out in the Senate, but an amendment to the same effect offered by Senator WALTHALL, from my State, was voted down in the Senate, as the RECORD will show.

Mr. KERR, of Iowa. Does not the gentleman from Mississippi know that the gentleman from Alabama [Mr. FORNEY] expressly con-

tradicted that idea in the statement which he made to the House the other day?

Mr. ALLEN, of Mississippi. I do not know what the gentleman from Alabama expressly contradicted; but I do know that distinguished gentlemen like the gentleman from Alabama and myself have sometimes differed upon great questions of this kind; and if the gentleman from Alabama distinctly contradicted what I have stated he was in error and I am right. [Laughter.]

A MEMBER. As you always are.

Mr. ALLEN, of Mississippi. Mr. Speaker, I have here the campaign book of the Republican Congressional Committee gotten up for this campaign. It is full of boasts about what this Congress has done, but I do not notice any reference to the pretended land forfeiture. But as I have the floor, something rather hard to get these times [laughter], I desire to expose some of the falsehoods and false pretenses in this campaign pamphlet and look a little into the record of this Republican Congress.

This book has on its back the various Republican Presidents, beginning with Lincoln and running down to Harrison. Lincoln, I believe, was a great man; but has a party that started with a great man and run to the present Executive not gone to seed? [Laughter.] What better evidence of degeneracy would you have? The party should go into permanent retirement. They also have on the front leaf of this book fifteen measures that they boast of as the achievements of this Congress. The book must have anticipated the work of Congress, for not more than seven of the fifteen have been enacted into law, and the record would have been better if more of them had failed. Their first boast is, "A Federal election law."

Thanks to the Senate, that is not a law and ought never to be. It is an effort by the Republican Congress to take the election of Representatives in the Southern States out of the hands of the people and confer it on Federal partisan supervisors for the purpose of perpetuating the Republican party in power. It takes away from the States the power conferred on them by the Constitution and always exercised by them since the foundation of the Government, is destructive of the rights of the States, and the longest stride yet attempted in the direction of centralization.

I know of no language with which to properly characterize it and the motives of its promoters. They claim to be solicitous for fair elections, and this book is partly made up with extracts from the speeches of Republican Congressmen in favor of a pure ballot; but I do not notice any extracts from the celebrated letter of one of their most influential and distinguished party leaders, W. W. Dudley, in which he illustrates the Republican idea of a pure ballot, a letter written in the last campaign from the headquarters of the executive committee of the party, giving instruction about dividing the purchasable vote up into "blocks of five," and assuring his correspondents that the money would be furnished them to bribe the voters.

You on that side know but for this system of bribery and coercion with boodle furnished by men whom you here serve that you would never have had this Congress nor this Administration. You are awfully alarmed about frauds in the South, but you close your eyes to bribery and corruption in your interest and idolize and worship the men who do it. Physicians, heal yourselves. Cast the beams out of your own eyes. I despise your pharisaical hypocrisy. Are you not a nice set of champions of a pure ballot?

Let me suggest where this committee might find some other choice extracts for this book. I suppose they were omitted by inadvertence. I refer you to the late speech of the Republican leader from Ohio, Mr. KENNEDY. [Laughter.] In that speech he denounced the distinguished chairman of the national executive committee of the Republican party and the head of that party as "a branded criminal;" compared him to Judas Iscariot, recommended suicide to him, etc. It was a terrible arraignment of your leader, the fruits of whose victory according to Republican methods you are all enjoying to-day. That took place in this House, but I have heard no Republican from Pennsylvania or elsewhere deny the truth of Mr. KENNEDY'S accusation.

Mr. BAYNE. Mr. Speaker, I say the charge is not true.

Mr. ALLEN, of Mississippi. Well, I am glad it has come at last. [Laughter.]

Mr. BAYNE. Mr. Speaker, I say that these allegations, coming at this time, are inopportune. I say any action whatever for reviving charges which have been considered in this House, and which have been expunged from the RECORD, are not in order, and I call the gentleman to order when he makes these charges against a member of the Senate.

Mr. ALLEN, of Mississippi. Mr. Speaker, have I stated anything about a member of the Senate? I simply referred to the allegations that a member of this House had made against the chairman of the national Republican executive committee. That is all I have referred to. I have not mentioned the United States Senate. It is a body that I have been anxious for an opportunity to vindicate for some time against the charges preferred against it on this floor. [Laughter.] I am not going to attack the United States Senate. I am not going to attack the chairman of the Republican executive committee.

Mr. Speaker, I was calling attention to the fact that in a campaign

book gotten up with references from distinguished Republicans' speeches made upon this floor, none of which have I heard applauded more loudly than was the speech of the gentleman from Ohio [Mr. KENNEDY]—I was simply directing attention to the fact that, when this remarkable speech of Mr. KENNEDY was expunged from the RECORD because of its unparliamentary reference to the United States Senate, the distinguished gentleman having that resolution in charge stated that it did not call in question the truth of what the gentleman from Ohio had said, but was simply directed at the parliamentary feature of it. Then, Mr. Speaker, the gentleman from Ohio took the floor and made a speech in which he reiterated all he had said, or at least insisted it was true, and produced hundreds of newspaper clippings and letters which he said were from Republican papers and Republicans indorsing the truth of what he had said, and when he concluded that speech in the presence of all of us no one took issue with him, but he was greeted with hearty applause on the Republican side of the House. Everybody here knows this is a fact, and you can not get away from it.

Mr. MORSE. We applauded him for his emphasizing his loyalty to the Republican party.

Mr. ALLEN, of Mississippi. He was denouncing the chairman of the Republican executive committee. Is that the evidence of his loyalty?

Mr. MORSE. He might have one sin and other virtues.

Mr. ALLEN, of Mississippi. That was the only virtue he complained of that day [laughter and applause on the Democratic side], and he was applauded for it.

But I must get back to the campaign book. Your next achievement on the programme, "A protective tariff law." Yes, you certainly have that, and it is, in my judgment, the most vicious tariff ever enacted into a statute in a free country. Its purpose, as announced by its authors, is to reduce the revenue by increasing the taxes or duties. It imposes additional burdens on every agriculturist and laboring man in the land for the benefit, not of his Government, but of the favored few. It will increase the price of every yard of woolen goods in the United States, and the increase will be proportionately larger on the coarser goods, making it bear specially heavy on the poor. It raises the duty on cotton-ties, which my constituents, who are many of them already ruined by bad crops and excessive taxation, are compelled to have, from 35 per cent. to 104 per cent., and then inaugurates a system of bounties and compels the poor corn-raiser or cotton-raiser to contribute to pay a bounty of 2 cents to the manufacturer of every pound of sugar grown in this country, which will result in about \$3,000,000 annually being paid out for this purpose, as much as \$170,000 being paid as a bounty to one manufacturer. It doubles the duty on tin-plate and increases the cost of this useful and necessary commodity to every household in the land. Let me illustrate. The President signed the tariff bill to-day, and I notice the following advertisement in to-day's issue of the Philadelphia Press:

Tinware is advancing in cost and very soon the manufacturers will have their way and you and we will have to pay very much more in view of this state of things. We made some time since a large purchase of kitchen tinware at what was a low price then, and would be lower now in the face of two advances in making price-lists.

JOHN WANAMAKER.

Now, this is the testimony which the business member of the Cabinet bears as to the effect of the tariff. He will probably make enough in the rise on tin to help purchase another election and another Cabinet place. It is a meanly sectional bill, and its only reciprocity feature is the reciprocity between the Republican party that originated and passed it and the tariff barons who furnish the money for Republican campaign purposes, who buy your elections, and then you pass such laws as they want to repay them.

Mr. MILLIKEN. Will the gentleman allow me to ask him a question?

Mr. ALLEN, of Mississippi. Well, if you have a sensible question to ask I will hear it. [Laughter.] But if there is no more point to it than most your questions I can not yield.

Mr. MILLIKEN. I will ask my question and let us see whether my friend will have sense enough to answer it. I ask him, first, whether he knows the statement he has just made to be true and, secondly, I ask him this: If it were true, would it not be as honorable for a political party to get money from its own members to carry an election as for another political party to make a combination with English capitalists to draw the money from Great Britain to help to break down the industries of our own country? [Jeers on the Democratic side.]

Mr. ALLEN, of Mississippi. Well, in the first place, there is no foundation for your comparison. That question is just about on a par with the questions you generally ask, and that is why I gave you a rather short answer when you asked me to yield. [Laughter.] In the first place, no political party ever got any money from English capitalists to break down our industries here. In the second place, as to my statement being true, I have the very best evidence for believing it to be true, and, upon information and belief, I could swear I believe it to be true. [Laughter.]

Mr. FLOWER. Mr. Speaker, I will say, for one, as chairman of the Democratic campaign committee in the last election, that not one dollar was contributed by any Englishman, and I will add that, in spite

of all your money in this campaign, the next House of Representatives will be Democratic. [Applause on the Democratic side.]

Mr. KERR, of Iowa. How about the Cobden Club tracts?

Mr. QUINN. No one knows better than the honorable gentleman from Maine that not one dollar was contributed from England or from any other foreign source to carry the elections for the Democratic party.

Mr. ALLEN, of Mississippi. Mr. Speaker, here is another one of the boasted achievements of this pamphlet, "Obstructions knocked out." Now, as the Republican party seems disposed to make a campaign issue of their methods in this House during this session, I will notice this matter for a moment. It is true obstructions have, to some extent, been knocked out, and the Constitution has been overridden and knocked out. The precedents of all parties from the foundation of the Government have been disregarded and knocked out.

The orderly procedure and decorum of this House has been knocked out, and under the new order of things inaugurated by the Speaker we have had one of the most unsatisfactory, unprofitable, extravagant, disgraceful, disagreeable, and demoralizing sessions that ever were held in this Capitol. Under your methods the House of Representatives has been reduced to a lower standard in the estimation of its membership and of the outside world than it ever attained before. Every member here has felt and realized this and been humiliated by it.

I notice, Mr. Speaker, that in speeches you have been making about the country your principal theme seems to be the obstructive methods of the Democrats, and especially in a speech you made in Philadelphia a few days ago. You seek to make capital out of the fact that the Democrats sat in their seats and voted on the election bill and the tariff bill, both of which they insisted were ruinous and destructive measures, but when it came to seating a negro they filibustered and left the House. You seemed to think this very strange and very bad.

Now, sir, let me call your attention to the fact that in the last Congress, when you and your party were in the minority, you sat in your seats and voted when the Mills bill, which you said would ruin the country, was passed; but when it came to the consideration of the contested-election case of Sullivan vs. Felton, where Sullivan's only offense was that he had been elected, you filibustered and refused to vote and succeeded by these tactics in preventing the consideration of that case at all.

Mr. KERR, of Iowa. Is it not a fact that there were 49 Democrats absent on the same day?

Mr. ALLEN, of Mississippi. What has that to do with it? Is it not a fact that your people were absent when we filibustered? I am showing the inconsistency and insincerity of your party. [Laughter.] I am showing up your Speaker for criticizing the Democrats for doing in this Congress just what he and his party did under like circumstances in the last Congress.

Mr. JOSEPH D. TAYLOR. Did the Republicans ever leave the House?

Mr. ALLEN, of Mississippi. No; and it was not necessary for them to leave the House. The Democratic majority and the Democratic Speaker respected the Constitution and the rights of the minority, and did not count those who did not vote. They could remain in their seats and filibuster; but we have, under the rulings of your Speaker, to leave in order to filibuster.

And this ruling is made by the same Speaker who, when a member of the minority of this House contending against a proposition to inaugurate the very methods he is now practicing, made use of the following language in a speech on this floor:

Mr. REED. Mr. Chairman, if it was my purpose to reply to the gentleman who has just taken his seat [Mr. Philster], it seems to me that it would be a suitable and proper reply to say to him that the constitutional idea of a quorum is not the presence of a majority of all the members of the House, but a majority of the members present and participating in the business of the House. It is not the visible presence of members, but their judgment and their votes the Constitution calls for.

Now, Mr. Speaker, what must be our estimate of the sincerity of the man who, as a member of the minority, makes this speech and receives from his adversaries, who are in the majority, the benefit of his interpretation of the Constitution, and then as soon as he gets in the majority reverses his views of the Constitution and denies to the minority the very rights he always claimed and received from them? I have seen the present Speaker deny our side of the House so many rights that he always claimed and had accorded to him and his side when they were in the minority. I remember that when the Mills bill came up for consideration, you, Mr. Speaker, said your side must have time to discuss every item in it, and you were allowed all the time asked for.

Now, contrast that with your treatment of us during this session on the tariff and almost all other bills. Are you not ashamed of having brought this matter up? [Laughter.] I know this is what you call progress. I know that you Republicans are always prating about your progressiveness, but I think in old times this would have been called by a harsher name than progress. Some people would have called it downright meanness and dishonesty. [Laughter on the Democratic side.]

In vain you call old notions fudge,
And bend your conscience to your dealing;
The Ten Commandments will not budge,
And stealing will continue stealing.

Mr. JOSEPH D. TAYLOR. Is that original?

Mr. ALLEN, of Mississippi. No, sir, that is not; but I have some that is. [Laughter.] I see sitting before me the gentleman from Ohio [Mr. McKINLEY]. He is now the leader of the majority on this floor, and he is now devoted to doing the public business and very much opposed to the obstructive and, as he is pleased to term them, the unconstitutional methods of the Democrats. I suppose he will be using this same argument against the Democrats this fall. Let me call your attention to his confession made at his conversion, which came just as his party got in power. He was then fresh from the fields of filibuster and obstruction. In a speech on this floor on the 30th day of January last he said:

We have done it. I am not saying that you gentlemen on the other side are doing differently from what we have done for fifteen or twenty years past. I have sat here and filibustered day after day, in silence refusing to vote, but I can not now recall that I ever did it for a high or a noble or a worthy purpose. There was never a time I did it, that I now remember, when I did not feel ashamed of myself.

The gentleman says he has practiced filibustering, which he says is unconstitutional, but that he never did it for a high, or a noble, or a worthy purpose. [Laughter.] Then he must have done it for a low, ignoble, or unworthy purpose. Now, if he would violate the Constitution for an unworthy purpose, for something he was ashamed of, what would he do for a high and noble purpose? I want to say to the gentleman that when I have filibustered it has always been for a high and worthy purpose. [Laughter.]

Now, do not you gentlemen on that side of the House feel ashamed of ever having tried to make capital out of the efforts of the Democrats to obstruct your unconstitutional and revolutionary proceedings. [Laughter.]

But, Mr. Speaker, I want to get back to the campaign book. I see another one of your boasts is "The American hog vindicated." [Laughter.] Now, when, where, and how was that done? I hope there is no intimation that it was done by the recent election in Maine. [Laughter.] I would not for a moment entertain such a thought, but I do not know when and where it occurred.

The next boast on the programme is "A uniform bankruptcy law." You are trying to fool somebody about that. We have no uniform bankruptcy law, but I must admit that you have given all the agricultural and laboring people of the country and all others, except the favored few whom you came here to serve, every facility for becoming bankrupt; but as your policy will keep them bankrupt I see no special need for the law. If you gave them a chance to recover from bankruptcy it would be different. Your next boast is "Two more new States." Yes, you have given us Idaho and Wyoming, but here we are confronted again with some more of your false pretenses.

In the last national Republican platform you say:

The Republican party pledges itself to do all in its power to facilitate the admission of the Territories of New Mexico, Wyoming, Idaho, and Arizona to the enjoyment of self-government as States, such of them as are now qualified as soon as possible, and the others as soon as they may become so.

Now, of these four Territories two were Democratic and two Republican. Arizona has a greater population than either Wyoming or Idaho and New Mexico more than both of them; but what is the result?

The two smaller Republican States are promptly admitted, but the larger and more deserving Democratic States are left out in the cold. Your Committee on Territories will not even consider the bill for their admission. Yes, this is progress. It is the same sort of progress that induced you to disfranchise the Mormons in Idaho because they were Democrats and enfranchise the Mormons in Wyoming because they were Republicans.

Mr. Speaker, although the devotion of the Republican party to civil-service reform is a prominent feature of the last national platform and the letter of acceptance of the present Executive, I fail to note in this campaign book any reference to how this promise has been kept. I took occasion once before to expose the hypocritical pretensions of the Administration on this subject. I showed how post-offices had been moved out of incorporated towns in my State and the people put to all sorts of inconvenience, and how good and efficient postmasters had been removed and postmasters imported to fill their places, all for partisan purposes.

Just a short time ago the First Assistant Postmaster-General retired from office the most popular official in the party, and he retired because there were no more Democratic postmasters to be decapitated, and he went out with a flourish of trumpets and with the boast that he had removed more postmasters than were ever removed by any other person in the same length of time, and we are told the President was sorry to see him go. I also find that in the matter of appointments made by the President and confirmed by the Senate there have been 1,135, or about one-third more removals under the present Administration up to this time than there were under Cleveland's Administration for the same time, although Cleveland found all the offices filled by Republicans and Harrison found only a portion of them filled by Democrats; and yet you talk of the Republican party keeping its promises.

But some of you say it is a clean Administration. I do not want to throw dirt on anything that is clean, but let us look and see how clean it is. I will not refer to the Pension-Office scandals and many others,

but I want to call the attention of the country to some appointments from my own State.

In the contested-election case of Hill vs. Catchings in this Congress, a man by the name of J. M. Little swore that he secreted himself in a room where the ballot-box was left while the judges went to dinner, and that he stole out of the ballot-box 150 ballots and put another 150 in their place. He implicates no one as being accessory or having knowledge of the crime but himself, and yet the next day, after giving this testimony, he left Mississippi for Washington where he was appointed to an office under this clean Administration, which he still holds.

Let me give another illustration from Mississippi. A man by the name of Sansby was the assistant editor of a Democratic newspaper in Mississippi during the last campaign. He was loud-mouthed and extreme in his Democracy. His associate in the Democratic paper was the chairman of the Democratic executive committee of the district. Now, this man Sansby went into the private drawer of his associate and stole therefrom some of his correspondence that he supposed would be of interest to the Republicans, and he took those letters and came to Washington and sold them to the chairman of the national Republican executive committee for the position of consul to Ecuador, and this clean Administration ratified the dicker and made the appointment, thus sending as a representative of this great Government to a foreign country a thief and a traitor, known to be such at the time he was appointed, and he is there as the representative of this Government to-day.

Now, I defy any one to deny the truth of these statements; and if there are any fair-minded men on that side of the House I ask them what they have to say about an Administration that traffics off the high and honorable offices of the Government to thieves as the price of their stolen goods. The character of the information obtained does not affect the transaction. If the Republican party wants to traffic in stolen goods, let them pay for it out of their campaign boodle, but I do protest against paying for it by sending the thieves to represent our Government at foreign ports. What do you think of it, gentlemen? Are you not ashamed of it?

My friend in front of me suggests that the man who was proven to have attempted to bribe a member of the West Virginia Legislature in the interest of the Republican contestant in the gubernatorial contest in the late election in that State has also been taken care of by the Administration and given an office under it, but I can not take up that subject generally; I have not time.

Mr. Speaker, there is one other claim in the campaign-book I wish to notice, "Thousands of dollars saved by economical administration."

Sir, I appeal from this book to the record. I have here a carefully prepared table of the appropriations passed by this Congress which I will print as an appendix to my remarks, and I know it to be accurate. It shows that this Congress has appropriated \$67,742,624.76 more than was appropriated at the last session of the preceding Congress. This does not include the sum appropriated in the tariff bill to pay a bounty to the manufacturers of sugar, which it is estimated will be about \$8,000,000 per annum.

Nor has any appropriation been made to pay the pensions under the dependent pension bill passed at this session of Congress. I called at the Pension Office to-day and ascertained that up to yesterday there had been filed in that office 460,282 applications for pensions under the dependent pension act passed June 27, 1890, and they are coming in by the thousands yet. It will require at least forty millions more to supply the deficiency under this bill for this year, which, with other deficiencies, will amount to at least \$50,000,000, the appropriations already made for the present year, \$43,080,141.03. Now, add \$50,000,000 for deficiencies, which will make \$513,080,141.03, not including the sugar bounty. This will make the appropriations for this year exceed by more than \$63,000,000 the estimated revenue under the old tariff law, and if the claim of the Ways and Means Committee about the reduction in revenue under the new law is true the appropriations for this year will exceed the revenue by more than \$100,000,000.

The surplus has disappeared and we will have a deficit. I now incorporate into my remarks this extract from the able and carefully prepared speech of my friend from Texas, Governor SAYERS, which shows the increase in the number and salaries of new officers and a comparison with the last Democratic Congress.

Here is what he says:

In the matter, Mr. Speaker, of new offices and places we find that the present Congress have, to this date, created 1,270, the annual salaries of which amount to \$1,391,211.50, and that 109 offices and places, the salaries of which aggregate \$155,828.38, have been abolished, leaving as a net increase 1,161 offices, with salaries calling for the expenditure of \$1,235,383.12 per annum.

Mr. McMILLIN. More than a regiment.

Mr. SAYERS. This exceeds the first session of the Fiftyth Congress by 931 offices and by \$984,615.62 per annum in salaries, and the second session of the same Congress by 890 offices and by \$919,555.12 in annual salaries, and both sessions of the Fiftyth Congress by 650 offices and by \$668,787.62 per annum in salaries.

Now, this is the record of this Congress and this Administration on the subject of economy. When we appeal from their campaign book to the facts, Mr. Speaker; when we look at this wasteful extravagance on the one hand and on the other see so many of our best, most indus-

trious, and deserving people, especially of the agricultural classes, struggling with poverty and debt, if not want; when we observe all the tendencies of the Government to favor those who are least in need of its aid, is it not discouraging to a patriotic lover of his country and people?

Let us notice for a moment the financial system under which we are operating. It was only the other day that a panic was threatened, and it was a question with the Treasurer of the United States as to whether there should be a panic or not. He must turn loose the people's money to prevent it or he can hoard the people's money and bring it on. Any man who has this power can at such a time make millions in a day.

It is a power or discretion that should be left to no single man; no, not even a dozen of them; the temptation to wrongdoing is too great, or, if it is resisted, the discretion may be erroneously used. It was only the other day that the Treasurer was advancing millions of dollars of the people's money anticipating the interest that will not be due for many months on Government bonds to prevent a panic. Now, of all people who need the gratuities of the Government, the bondholders need it least, but they belong to the class that always gets it. Yet we are living under a financial system of which the Republicans are constantly claiming credit for having given us.

Mr. Speaker, I notice that this campaign book is filled with such *ad captandum* expressions as this: "Republican promises performed." I notice their campaign speakers are saying the same thing. Was there ever a claim made by a political party with less foundation for it? Take their last Chicago platform and you will see that more than half the things they promised they have made no effort to perform, although they have control of every branch of the Government. I have already noticed some of these broken promises; let me call attention briefly to some more.

They promised to repeal the tobacco tax.

They promised 1 cent postage.

They promised aid to public free schools.

They promised to restore silver to its money use.

These, in addition to their broken promises about civil-service reform, the Territories, etc., make up most of their platform, and they have never attempted an honest compliance with any of them. I denounce the party as unfaithful, deceitful, hypocritical, insincere, and given over to false pretenses and shams and frauds, and I have felt it my duty in the closing hours of this session to call the attention of the country to some of these things, and I rejoice with the country that this session of this Congress is about to expire. This is about the best thing we have done.

know I voice the sentiment of the country when I give you this poetry.

Several MEMBERS. Sing it! Sing it!

Mr. ALLEN, of Mississippi. No, Mr. Speaker, my voice is not in good condition for singing, but here it is:

Oh, Congress, dear Congress, go home, please do, now;
The surplus is wasted and gone.
Your duties of statesmanship well you have done;
Oh, give us a rest now—catch on.

Oh, hear the deep voice of the storm muttering low,
Which gathers in wrath as it rolls.
Oh, Congress, dear Congress, go home, please do, now;
Oh Congress, dear Congress, go home.

[Laughter and applause.]

Now, Mr. Speaker, just by way of emphasizing the difference between the views your campaign committee have of your accomplishments this session and an able and independent journal, I will print as a part of my remarks a portion of an editorial I find in to-day's New York Herald:

CONGRESS DONE AND GONE.

The adjournment of Congress will be a relief to the country. Coming into power with so many assurances of achievement and reform, what has it done?

We have a pension bill. Under the pressure of the pension sharks, the best organized lobby ever known in Washington, over fifty, and perhaps a hundred, millions have been added to the annual taxation. In profound peace, with nothing to disturb the nation's prosperity, with a shred of an Army and a remnant of a Navy, we are paying more for pensions alone than Germany with her armaments, which master a continent. The war ended twenty-five years ago, and yet we suffer the financial burdens of the war. History has no precedent for this cruel wrong. The tariff barons would have it so, and the truculent Republican majority humbly records the decree.

Tin is taxed to enable a company of English capitalists to float a tin mine on the London market. That is the tin business in a nutshell—simply a Lombard-street job, looking to money in English pockets. Iron is taxed that Mr. Carnegie may give libraries to Scottish towns. The tax on wool means the hand of the Government in the pocket of every laborer who would buy his wife a blanket or a shawl. By our fiscal policy we have managed to array every nation against the United States. We may despise the coalition and defy the world. But is it wise? We rob our laborers to gain some fancied advantage over the laborers in other lands. But do we gain by it? Under the laws of supply and demand, the laws of commerce, as inexorable as those which govern the solar system, the policy of selfishness to other peoples will react upon ourselves. Nations no more than men succeed in building themselves up by pulling others down.

Congress has passed a river and harbor bill larger than ever known. And when we add the sums paid for public buildings, every cross-roads asking a jail and a post-office, we can understand the sweep and breadth of these schemes upon the Treasury.

But have we no Administration to check and lead legislation? Are there no other but legislative powers in the Republic? Oh, yes, we have a mild, weak Executive, with no more influence upon the making of laws than a teardrop on a stone. On the solemn question as to whether the post-office should go to the village politician who gave the lamps for the election parades or the one who furnished the oil; on the burning question of turning out twenty-five thousand postmasters because Mr. Cleveland left them doing their duty we have an im-

mense Administration—none so great since Tyler. But upon public policy, upon issues affecting the national welfare, the Administration has lived in a condition of meek surrender to Congress. It is an automatic contrivance. No such wondrous piece of machinery since the famous automaton chess-player.

There was a time, and that, too, in the dynasty of Republican Presidents, when the Executive was not an automaton, affirming in meekness the decrees of a reckless majority and signing whatever papers Congress might send to the White House. We have seen a Lincoln return Mason and Seward, and enforce a policy of conciliation in spite of the furious protests of the ablest men in his party. We have seen Grant strike with his mailed hand the wretched doctrine of inflation, and save the credit of the nation from the fanaticism of his warmest supporters. We have seen Arthur veto extravagant legislation.

Those were days of executive authority. The Senate is now governed by Mephistopheles-Barnum INGALLS, whose one conspicuous speech in this session was an argument in favor of paying the veterans ten thousand millions of dollars in the way of pensions. The House is ruled by Robespierre in a black sack and flannel shirt, who has destroyed the value of representative institutions by confining legislation to his recording clerks. Mr. REED could give lessons to Cromwell. The English usurper chased the members of Parliament out of the House with bayonets. Our modern usurper quietly ignores the House and directs the clerks to record his decrees.

These are serious matters. The Herald has no wish to be unjust to Mr. Harrison, Mr. INGALLS, or Mr. REED. They have many engaging qualities, are honorable men, and we have in the President a character of singular probity, piety, and domestic charm. But they are the slaves of a policy, the outcome of that dreadful war, a coarse, sordid, selfish policy, which bodes no good to the Union. It is incredible that they should not see it, that Mr. Harrison at least should not divine the dreadful trend of events, and assert himself as the leader of the Republican party and President of the United States. No government, not even our swaggering young Republic, teeming with wealth and bursting with energy and pride, can endure the reckless policy of the Congress now for the present done and gone—a Congress of plunder, audacity, and corruption.

These are stern, harsh words—plunder, audacity, and corruption—not to be lightly applied to any legislative body. They are true and must stand. Plunder in these pension bills, corruption to the highest water mark in this dreadful tariff, audacity in the attempt by a force bill to reinstate the South and provoke a new civil war. We were spared the force bill because the tariff barons and pension sharks needed time to loot the Treasury. But the spirit reigns and will have to be met in December.

APPENDIX.

Comparison of appropriations, first and second sessions Fifty-first Congress and first session Fifty-first Congress.

Appropriation bills.	Fiftieth Congress.		Fifty-first Congress.
	First session, 1889.	Second session, 1890.	First session, 1891.
Agricultural	\$1,716,010.00	\$1,669,770.00	\$1,799,100.00
Army	24,471,300.00	24,316,615.73	24,206,471.79
Diplomatic and consular	1,428,465.00	1,980,025.00	1,710,815.00
District of Columbia	5,046,410.32	5,682,409.91	5,769,544.13
Fortification	3,972,000.00	1,333,594.00	4,282,985.00
Indian	8,263,700.79	8,077,453.29	7,202,016.02
Legislative, etc.	20,758,174.07	20,843,615.81	21,030,732.75
Military Academy	515,043.81	902,786.69	435,296.11
Navy	19,942,835.35	21,692,510.27	23,136,063.33
Pension	81,738,700.00	81,738,700.00	98,487,461.00
Post-Office	60,860,233.74	66,606,344.28	72,226,694.92
River and harbor	22,397,619.90		25,189,296.00
Sundry civil	28,320,804.84	25,297,341.65	29,738,282.22
Deficiencies	619,662,262.27	616,330,518.30	698,677,799.69
Miscellaneous	236,814,062.08	276,390,665.08	283,819,803.25
Grand total	13,170,892.55	10,255,796.29	47,622,184.78
Permanent appropriations	208,965,544.63	286,646,490.32	261,451,688.63
Grand total	115,640,798.90	108,691,035.93	161,628,453.00
Grand total	472,636,342.53	395,337,516.27	463,660,141.03

a Includes \$3,500,000 pension deficiencies for 1888.

b Includes \$3,000,000 pension deficiencies for 1889.

c Includes \$25,321,907.35 pension deficiencies for 1890.

d Includes \$1,000,000 for census statistics of farm mortgages, \$598,085.81 for additional Pension Office clerks, \$1,364,000 aid to agricultural colleges, \$1,000,000 for nickel for naval armor, and \$1,200,000 for national park.

Excess appropriations this session for 1891 over 1890, \$67,742,624.76. Excess appropriations this session for 1891 over 1889, \$40,453,797.50.

ENROLLED BILLS SIGNED.

Mr. KENNEDY (during the delivery of the remarks of Mr. ALLEN, of Mississippi) reported that the Committee on Enrolled Bills had examined and found truly enrolled bills and a joint resolution of the following titles; when the Speaker signed the same:

A bill (H. R. 9416) to reduce the revenue and equalize duties on imports, and for other purposes;

A bill (H. R. 10639) to amend section 2399 of the Revised Statutes of the United States;

A bill (S. 145) for the relief of the legal representatives of Henry S. French;

A bill (H. R. 789) opening to settlement a portion of the Fort Randall military reservation, in South Dakota;

A bill (H. R. 1117) granting a pension to Sarah E. Palmer;

A bill (H. R. 2002) granting a pension to John Morrison;

A bill (H. R. 2420) granting a pension to Julia W. Freeman;

A bill (H. R. 2428) granting a pension to Emily Onderdonk;

A bill (H. R. 2990) for the relief of J. L. Cain and others;

A bill (H. R. 3169) for the relief of Alexander F. Dutton;

A bill (H. R. 3796) granting a pension to Abraham Zimmerman;

A bill (H. R. 4179) granting a pension to Nancy J. Dorlos;
 A bill (H. R. 4258) increasing the pension of Francis Gilman;
 A bill (H. R. 4788) to grant a pension to Ann Roberts;
 A bill (H. R. 4825) granting a pension to Arthur Connery;
 A bill (H. R. 5206) granting a pension to Catlena Lyman;
 A bill (H. R. 5435) to increase the pension of Maria B. Judah;
 A bill (H. R. 5939) for the relief of settlers on Northern Pacific Railroad indemnity lands;
 A bill (H. R. 6052) granting a pension to Martha A. Bowling;
 A bill (H. R. 6148) granting a pension to Mrs. Mary J. Sanders, the widow of Thomas A. Sanders, who was a scout in the service of the United States Army in the war of the rebellion;
 A bill (H. R. 6338) granting a pension to Eben Muse;
 A bill (H. R. 6916) for the relief of Adeline Bly, widow of a soldier of the war of 1812;
 A bill (H. R. 7149) granting a pension to Hannah E. Winney;
 A bill (H. R. 7375) granting a pension to Mrs. Susan A. Dean;
 A bill (H. R. 7989) to promote the administration of justice in the Army;
 A bill (H. R. 8088) granting a pension to Thelbert H. Head;
 A bill (H. R. 8519) granting a pension to John Frohlin;
 A bill (H. R. 8700) granting a pension to Mira Baldwin;
 A bill (H. R. 9026) granting a pension to N. W. Leasure;
 A bill (H. R. 9225) granting a pension to Theodore L. Alexander;
 A bill (H. R. 9245) to pension Louis P. Noros, late of the Jeannette expedition to the Arctic Ocean;
 A bill (H. R. 9436) granting an increase of pension to E. S. Thomas;
 A bill (H. R. 9565) granting an increase of pension to Joseph W. Wilson;
 A bill (H. R. 9736) granting an increase of pension to Lovey Aldrich;
 A bill (H. R. 10086) granting leaves of absence to clerks and employees in first and second class post-offices, and to employees of the Post-Office Department employed in the mail-bag repair shops connected with said Department;
 A bill (H. R. 10265) to authorize the construction of a bridge across the Altamaha River;
 A bill (H. R. 10398) for the relief of Mary A. Blaisdell;
 A bill (H. R. 10810) granting a pension to Samuel S. Humphreys;
 A bill (H. R. 10811) granting a pension to Asa Joiner;
 A bill (H. R. 10898) to increase the pension of Daniel P. Roberts, late a second lieutenant in Company F of the Third Regiment of Missouri Volunteers in the war with Mexico;
 A bill (H. R. 10985) granting a pension to Isaac N. Jacobs;
 A bill (H. R. 11171) granting an increase of pension to Edwin Reeder, late a member of Company A, First Tennessee Infantry, in the war with Mexico;
 A bill (H. R. 11457) to increase the pension of Mary Y. Dewees;
 A bill (H. R. 11650) granting a pension to Emily Fry;
 A bill (H. R. 11726) to increase the pension of Noah Bisbee, formerly private Company K, Eighty-ninth Regiment New York Volunteers;
 A bill (H. R. 11928) defining certain duties of the Sergeant-at-Arms of the House of Representatives, and for other purposes;
 A bill (H. R. 12163) making an appropriation to supply a deficiency in the appropriation for compensation of members in the House of Representatives and Delegates from the Territories;
 A bill (H. R. 12187) to set apart certain tracts of land in the State of California as forest reservations;
 Joint resolution (H. Res. 104) to permit the Secretary of War to grant a revocable license to use a pier, as petitioned by vessel-owners of Chicago, Ill.;
 Joint resolution (H. Res. 169) authorizing the use of a portion of the United States military reservation at Chattanooga for a public park, by the city of Chattanooga, Tenn.;
 Joint resolution (H. Res. 214) extending the act fixing the rate of interest to be charged on arrearages of general and special taxes now due the District of Columbia, if paid within a time specified, to October 31, 1890;
 A bill (S. 161) to reconvey certain lands to the county of Ormsby, State of Nevada;
 A bill (S. 597) to authorize the conveyance of certain absentee Shawnee Indian lands in Kansas;
 A bill (S. 1454) to increase the efficiency and reduce the expenses of the Signal Corps of the Army, and to transfer the weather service to the Department of Agriculture;
 A bill (S. 1658) establishing a customs-collection district, to consist of the States of North Dakota and South Dakota, and for other purposes;
 A bill (S. 1904) to provide for railroad crossings in the Indian Territory;
 A bill (S. 2014) for the relief of certain settlers on the public lands of the United States, and to authorize the taking and filing of final proofs in certain cases;
 A bill (S. 2562) to authorize the appointment of Assistant Surgeons Thomas Owens and William Martin, United States Navy, not in the

line of promotion, to the position of surgeons, United States Navy, not in the line of promotion, and for other purposes;

A bill (S. 3196) granting an increase of pension to Michael McGarvey;

A bill (S. 3280) authorizing the Secretary of the Interior to ascertain damages resulting to any person who had settled upon the Crow Creek and Winnebago reservations, in South Dakota, between February 27, 1885, and April 17, 1885;

A bill (S. 3314) granting right of way to the Red Lake and Western Railway and Navigation Company across Red Lake reservation, in Minnesota, and granting said company the right to take lands for terminal railroad and warehouse purposes;

A bill (S. 3521) for the relief of Timothy Hennessy;

A bill (S. 3545) to extend and amend an act to authorize the Fort Worth and Denver City Railway Company to construct and operate a railway through the Indian Territory, and for other purposes;

A bill (S. 3721) for the relief of A. J. McCreary, administrator of the estate of J. M. Hiatt, deceased, and for other purposes;

A bill (S. 3745) granting to the Northern Pacific and Yakima Irrigation Company a right of way through the Yakima Indian reservation, in Washington;

A bill (S. 3782) to provide for the reduction of the Round Valley Indian reservation, in the State of California, and for other purposes;

A bill (S. 3817) for the protection of actual settlers who have made homesteads or pre-emption entries upon the public lands of the United States in the State of Florida, upon which deposits of phosphate have been discovered since such entries were made;

A bill (S. 3938) to authorize the Secretary of the Interior to convey to the Rio Grande Junction Railway Company certain lands in the State of Colorado in lieu of certain other lands in said State conveyed by the said company to the United States;

A bill (S. 3863) granting to the Newport and King's Valley Railroad Company the right of way through the Siletz Indian reservation;

A bill (S. 4370) granting a pension to John M. Dunn; and

Joint resolution (H. Res. 218) to allow the Postmaster-General to expend \$10,000 to test at small towns and villages the system of the free-delivery service, and for other purposes.

PORT ELLIS MILITARY RESERVATION.

Mr. KERR, of Iowa. Mr. Speaker, the gentleman from Mississippi seemed to think it necessary to allude as a defense for the action on that side to the fact that filibustering was indulged in during the last Congress by the Republican party in the Felton case. It is just to this side of the House to say that there was no filibustering in the Felton case to exceed a few hours in length on one day. No gentleman on this side of the House left the Hall or left his seat to avoid being counted, and on the day when the question was brought to a vote forty-nine Democrats were absent from their seats on that side and twenty-two Republicans answered to their names on the question. That fact ought to go out to the country.

Another fact should also go to the country, that for nine successive days—

A MEMBER. And nights.

Mr. KERR, of Iowa (continuing). For nine successive days and nights in the last Congress, during which men's healths were impaired so that two subsequently died from the effects of it, a bill recommended by nearly the unanimous vote of a Democratic committee of that Congress was successfully resisted and its passage defeated by filibustering tactics on that side.

Mr. FLOWER. Yes; and a bill which a Republican Congress has not dared to bring before this body.

Mr. KERR, of Iowa. So that the whole of the filibustering in that Congress, with the exception of an hour or two on one day, was filibustering which originated on that side; and I think the country may congratulate itself that the time has passed in the history of the Government when a majority may be defeated from accomplishing the purposes the people intrusted them with in securing proper legislation by such unwarranted tactics.

Mr. ALLEN, of Mississippi. Will the gentleman yield for a question?

Mr. KERR, of Iowa. Yes.

Mr. ALLEN, of Mississippi. You say that filibustering was indulged in by the Republicans for a few hours in the Felton case. Is it not true that they filibustered long enough to keep the other man out of his seat?

Mr. KERR, of Iowa. Yes; but forty-nine of your men were absent during the time, showing conclusively that that side of the House did not want to seat the contesting member, or at least it so seemed to the country, and twenty-two Republicans were present and voting.

Mr. HAYES. How many Republicans were absent when the Democrats adopted the same course recently in this Congress?

Mr. ALLEN, of Mississippi. How many Republicans were absent from the House at that time?

Mr. KERR, of Iowa. There was no Republican who left his seat in the Felton case; and if you gentlemen had followed the constitutional requirements and counted them you could have seated your man from California. I will say, further, that at no time in the last

Congress was there a quorum of Democrats present and voting except in the election of Speaker.

The SPEAKER. The Chair will submit the request of the gentleman from Mississippi. The gentleman asks unanimous consent that he may be permitted to extend his remarks in the RECORD. Is there objection?

Mr. KERR, of Iowa. I object.

Mr. BAYNE. Mr. Speaker, I regret somewhat that in the closing hours of this session such a speech as that just delivered by the gentleman from Mississippi [Mr. ALLEN] should have been made. It seems, however, that the disposition of certain gentlemen of the Democratic party leads them to attack all of the great leading men of the Republican party. We can all recall that when Abraham Lincoln figured at the head of our national affairs he was assailed on every hand, and no calumny which total depravity could invent was too great to be hurled at him. We all remember that the great and distinguished successor of Abraham Lincoln, General Grant, was treated in the same way. He who was the second savior of this country, and who by force of arms preserved our institutions from overthrow by enemies within, was assailed as unfit for gentlemen to associate with; and no calumny and no indignity that the ingenuity of vilification could call forth was omitted by those opposed to General Grant. He was attacked on all sides, and every bitter word and every unkind accusation that meanness itself could devise was applied to him. We all remember that General Logan endured the same attacks, bitter and relentless. Roscoe Conkling was another victim of this venom and spleen; James G. Blaine was still another. We come right down to the present time, and we find that Senator QUAY is another, and the honored Speaker of this House is another. Not a name in this country famous in its history for the last twenty-five years, not a name which has helped to make its history glorious, has been exempt from these vile attacks.

Mr. CALDWELL. Garfield was also attacked.

Mr. TAYLOR, of Illinois. And Sumner.

Mr. BAYNE. Garfield, Sumner, and all of them. Not a name that has added luster to the annals of our history has been exempt from the basest calumnies, not a single man who has won exceeding glory and honor for this great country of ours has escaped the venom, contumely, and spleen and meanness of the leaders of the Democratic party. Who are dishonored? They, not the men they thus vilify. It is only by men who take flimsy statements to be evidence that any importance will be attached to these attacks. They come neither with grace, nor with honor, nor with truth.

How different the attitude of the Republican party toward the Democratic party. Point to calumnies and accusations made by Republicans against the leading men of the Democratic party. I have taken occasion to say that Grover Cleveland made a good President.

Mr. HAYES. You could not help saying that.

Mr. BAYNE. I could if I had been a Democrat, for I could have lied about it.

Mr. ALLEN, of Mississippi. Then the Republicans did lie who said he did not make a good President; did they? [Laughter on the Democratic side.]

Mr. BAYNE. I give all credit to the distinguished Democrats of this country, because I believe they contribute to the glory, and the growth, and the honor of the country when they do great and good service.

I have never heard accusations made by the Republican press or by the Republican leaders, or by Republican Representatives on this floor or by Republican Senators against the character, integrity, and worth of leading Democrats in this country. It is not our method. Our methods are those of decency and our habits are those of gentlemen. [Applause on the Republican side.] And I want to say now that when these attacks are made upon our great leaders they simply bring a misconception into the minds of people abroad and among people who do not think at home as to the real status of our great leaders. They are discreditable only to the men who make them. They do not dishonor the men against whom they are made, for they are known to be untruths uttered for mere partisan purposes and in the pursuit of an object which is not reputable in any respect whatever. [Applause on the Republican side and in the galleries.]

Mr. ALLEN, of Mississippi. Mr. Speaker—

Mr. CARTER. I ask for a vote, and I demand the previous question.

Mr. ALLEN, of Mississippi. I only ask for five minutes.

The SPEAKER. The gentleman from Montana asks the previous question.

Mr. ALLEN, of Mississippi. The gentleman will not get the previous question, I think, and I ask for five minutes.

Mr. CARTER. I yield to the gentleman three minutes.

Mr. ALLEN, of Mississippi. Now, Mr. Speaker, I want to say this to the gentleman from Pennsylvania [Mr. BAYNE] in three minutes: We on this side, or I at least, have made no attack upon the Republican leaders.

I simply referred to the fact that a Republican member of this House had denounced the chairman of the Republican national committee on this floor in most unmeasured terms, speaking of him as a branded criminal and comparing him to Judas Iscariot, and recommending

suicide, etc.; and that afterwards when that gentleman's speech was called in question and a motion made to expunge it from the RECORD on account of the abuse and reflections on the United States Senate, the gentleman from Pennsylvania [Mr. BAYNE], who now grows so very indignant at my mention of this fact, sat in his seat and heard the gentleman from Ohio [Mr. KENNEDY] speak for twenty minutes, in which he said they might expunge his speech from the RECORD, but could not destroy its truth; and he stood there with great bundles of press-clippings, almost a foot thick, and a large number of letters which he said were not the half of what he had received, all indorsing his attack upon the gentleman's leader; and he and all the rest of the Pennsylvania delegation sat and heard Mr. KENNEDY reiterate his charges and did not say a word.

Mr. BAYNE. He did not say it.

Mr. ALLEN, of Mississippi. He did say it.

Mr. BAYNE. You misrepresent the whole thing.

Mr. ALLEN, of Mississippi. I do not misrepresent it at all. I heard the whole thing, and everybody here knows that Mr. KENNEDY not only reiterated or declared that what he had said was true, but that it was the one speech he had made that had made its impression on the country and had sunk in the hearts and minds of the people, and he produced these newspaper clippings and letters as an evidence of the approval with which his speech had been received by the Republican party. We saw no evidence of the indignation of the gentleman from Pennsylvania [Mr. BAYNE] then, but when a Democrat simply refers to the fact that a Republican has made these charges the gentleman grows very vociferous in his protests and talks about Democrats assailing Republican leaders, and attempts to bolster up his leader by bringing in the names of Lincoln, Grant, Conkling, Blaine, and you, Mr. Speaker, as men who have been abused.

(To Mr. BAYNE:) Why, sir, did you not make your protest against these attacks on your leader when they were made by a member on your side of the House? You sat mute then. What sort of consistency is there in getting so indignant at a Democrat for speaking of what you said nothing about when it was said by your own partisan?

[Here the hammer fell.]

Mr. OATES. Mr. Speaker, I wish to say to the gentleman from Montana that he had better not ask for the previous question now. I am not yet satisfied that this bill ought to pass, and I would like to hear a full explanation of it. I do not wish to raise the question of no quorum or to prevent a fair consideration of the bill.

Mr. CARTER. I will state to the gentleman that every objection that was urged to the bill as amended in the Senate has been cured by the conference report. I am extremely anxious to have the report adopted so that it may be signed to-day.

Mr. OATES. Will the gentleman state exactly what this bill accomplishes?

Mr. CARTER. I will state for the information of the gentleman from Alabama that the bill in brief provides that the Secretary of the Interior shall extend the public surveys over what is known as the Fort Ellis military reservation, in Montana. That reservation was abandoned for military purposes many years ago, and upon the reservation there are certain buildings in a very poor state of repair. In place of selling these buildings, it being questionable whether the proceeds would pay the cost of the sale, they are donated, with the land upon which they stand, to the State for the use of the State militia, and for other public purposes. I doubt if the buildings would sell at all, or would pay for removal. The further provision is made that the State of Montana may make selections of what remains of the reservation for the purpose of in part supplying the grant made to the State at the time it was admitted into the Union. The lands thus selected within the reservation are to be deducted from the aggregate of the grant made to the State as an incident to the admission bill.

Mr. OATES. Will the gentleman state the amount of land granted or reserved for the State?

Mr. CARTER. I think about 200,000 acres, probably, in the school grant. I can not specify the total acreage of the various State grants without consulting the admission bill.

Mr. KERR, of Iowa. This is one section granted on the reservation.

Mr. CARTER. Only one section of this entire reservation is granted. If additional lands are selected they will be deducted from the former grant.

Mr. CUTCHEON. I understand that the State may select all of the remainder.

Mr. CARTER. This reservation only contains 38 or 40 sections of land, I think. It is largely in a mountainous region. A part of the land is of little or no value.

Mr. OATES. They may make selection for what purpose?

Mr. CARTER. They may make selection under existing law and the amount is to be deducted from the land to which the State is entitled under its grant, and the purpose of allowing the State to do this is to permit the selection of a body of land in a compact form on which to establish some State institution, if the State thinks proper. An equally large body of land can nowhere else be found in the State in compact form from which to make State selections.

Mr. OATES. Is this an addition to the amount allotted to the State under the act of its admission into the Union, or is it in lieu of a part of that?

Mr. CARTER. It is in lieu of a portion of the land granted, except as to one section, which is an addition, and that section is the one upon which these old buildings are situated.

Mr. OATES. That is granted to the State for purposes of the militia?

Mr. CARTER. For the militia and other public purposes.

Mr. OATES. Has this bill been passed upon by the Committee on Public Lands of the House?

Mr. CARTER. It has been favorably reported except as—

Mr. OATES. And also in the Senate?

Mr. CARTER. And in the Senate also.

Mr. HOLMAN. Not the bill in its present form. The Senate amendments have not been before the House committee.

Mr. OATES. What is the Senate amendment? Wherein does it differ from the House bill?

Mr. CARTER. The House bill did not make this grant of a section of land to the State. The House did not make any special provision as to the State selecting school lands within the limits of the reservation. The Senate provided that the State should have one year in which to make its selection of school lands. This conference report limits that period of one year by permitting the governor of the State to certify to the Secretary of the Interior, at such time as the selection shall have been completed, that the State does not desire to make further selections, whereupon the land remaining will, by proclamation, immediately become part of the public domain, subject to entry, location, and settlement. These selections may be made within a period of twenty days.

Mr. McCREARY. Mr. Speaker, I regret to be compelled to ask the gentleman from Montana not to press this bill. I do not believe this bill ought to be passed at the present. We have no quorum here. The House is very thin. Very few members are here. This is a very important measure, and I do not think it ought to be pressed. I hope the gentleman from Montana will not press it at this time. When he comes back here in December we will have a quorum and this measure can be called up and considered by a quorum of the House of Representatives. I do not think that the gentleman ought in the closing hours of the session, when within less than two hours this House of Representatives will adjourn, to ask us to pass this very important measure. I for one shall object to the passage of this bill.

Mr. MOREY. Mr. Speaker, I do not desire to discuss this measure if I am permitted to extend my remarks on a subject in which I feel a great interest.

The SPEAKER. The gentleman from Ohio asks unanimous consent for permission to extend his remarks in the RECORD upon this question. Is there objection?

Mr. OWENS, of Ohio. I shall have to object.

Mr. ALLEN, of Mississippi. I object unless I am also permitted to extend my remarks.

The SPEAKER. Objection is made.

Mr. CARTER. Mr. Speaker, in reference to the suggestion made by the gentleman from Kentucky, if I can have his attention for a moment I desire to say that a committee of this House, a committee of the Senate, and both Houses of Congress in one form or another at the present session, after due deliberation, have concluded that this reservation should be thrown open to settlement in some form. I can not now concede that it is necessary to withdraw it unless the gentleman from Kentucky can suggest some latent defect in the bill or some substantial apparent reason why it should be deferred. There are a large number of citizens of my State interested in the opening of this reservation, and it would be a hardship to continue it longer in its present condition.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced that the Senate had passed with an amendment the resolution of the House fixing the hour of final adjournment.

Mr. CARTER. Mr. Speaker, I will ask the gentleman from Kentucky [Mr. McCREARY] whether he desires to press his objection to the bill.

Mr. KERR, of Iowa. Mr. Speaker, as the gentleman from Mississippi [Mr. ALLEN] says he has some important remarks which he desires to submit upon this bill and other subjects, I withdraw the objection which I made to his being allowed to print.

Mr. ALLEN, of Mississippi. I withdraw the objection which I made to the gentleman from Ohio [Mr. MOREY] having leave to print.

Mr. McCREARY. Mr. Speaker, I call attention to section 2 of this bill, which reads as follows:

That there is hereby granted to the State of Montana one section of said reservation, to be selected according to legal subdivisions, so as to embrace the buildings and improvements thereon, to be used by said State as a permanent militia camp-ground, or for other public purposes, in the discretion of the State Legislature.

I do not know how much money was appropriated originally by the United States Government to construct these buildings, but I think it

would be unwise legislation at this time, when only about one-fifth of the members are present, to turn over to the State of Montana the buildings and improvements on these lands to be used by said State "as a permanent militia camp or for other purposes, in the discretion of the State Legislature." I call attention also to the section which I am about to read:

SEC. 3. That the remainder of said reservation or any portion thereof may be selected by the State of Montana at any time within one year after the approval of the survey thereof, in tracts of not less than one section, in square form and according to legal subdivisions, as a part of the lands granted to said State under the provisions of the act providing for the admission of the State of Montana into the Union, approved February 22, 1889.

Now, sir, at the time Montana was admitted a large amount of land was granted to that State, and this bill seeks to grant to that State about 40,000 acres, as I understand it.

Mr. CARTER. I beg the gentleman's pardon. He is incorrect as to that. This bill does not increase the grant to the State of Montana one acre beyond the section upon which these buildings are located. It simply permits the State to select land within those limits under the pre-existing grant.

Mr. McCREARY. I understand. It allows the State authorities to go over the State and select the best lands wherever they can find them.

Mr. CARTER. Within the limits of this reservation only. If the gentleman examines the bill closely he will see that that is the provision and that he is clearly in error.

Mr. McCREARY. I think, Mr. Speaker, after talking to some of the members of the Committee on Public Lands, to which the bill was originally referred, that the bill is too important to pass at this time, within less than two hours of the end of a ten months' session of Congress. I think this bill is so important that it should be considered when a quorum is present. Indeed, no important legislation should be enacted at this late hour with so few members present. We will be in session again in two months, and that is not long to wait.

The question was taken on the adoption of the report; and the Speaker declared that the ayes seemed to have it.

Mr. McCREARY. I ask for a division.

The House divided; and there were—ayes 63, noes 13.

Mr. McCREARY. No quorum.

Mr. CARTER. Mr. Speaker, I ask the privilege of withdrawing the conference report for the time being.

The SPEAKER. If there be no objection, the conference report may be withdrawn.

There was no objection.

LEAVE TO PRINT.

The SPEAKER. The gentleman from Mississippi [Mr. ALLEN] asked permission some time ago to print some remarks in the RECORD, and the gentleman from Iowa objected; but the Chair understood the gentleman from Iowa afterwards to withdraw his objection.

Mr. KERR, of Iowa. In consideration of the fact that other gentlemen also desire to speak on the subject, I have withdrawn the objection to the request of the gentleman from Mississippi.

Mr. BELDEN. I renew it.

Mr. ALLEN, of Mississippi. Who objects?

The SPEAKER. The gentleman from New York [Mr. BELDEN].

RESIGNATION OF THE POSTMASTER OF THE HOUSE.

The SPEAKER laid before the House the following communication:

WASHINGTON, D. C., October 1, 1890.

To the Hon. SPEAKER OF THE HOUSE OF REPRESENTATIVES:

I hereby resign the office of Postmaster of the House of Representatives.

JAMES L. WHEAT.

Mr. ENLOE. Mr. Speaker, I would like to know whether the Chair is ready to accept the resignation?

The SPEAKER. The Chair has nothing to do with the acceptance of the resignation.

Mr. ENLOE. There has been an investigation made, and there is a resolution on the subject in the hands of the investigating committee which we want to come before the House.

The SPEAKER. The Chair simply lays this communication before the House. It is not a matter for action, so far as the Chair knows.

JEWS IN RUSSIA.

The SPEAKER also laid before the House the following message from the President of the United States; which was read, referred to the Committee on Foreign Affairs, and ordered to be printed:

To the House of Representatives:

I transmit herewith, in answer to the resolution of the House of Representatives of August 20, 1890, concerning the enforcement of proscriptive edicts against the Jews in Russia, a report from the Secretary of State upon the subject.

BENJ. HARRISON.

EXECUTIVE MANSION, October 1, 1890.

PRINTING OF HOUSE DIGEST.

Mr. RUSSELL, from the Committee on Printing, reported back with a favorable recommendation the following resolution:

Resolved, That 2,500 copies of the Digest for the second session of the Fifty-first Congress be printed and bound for the use of the House.

The report of the committee was read, as follows:

The Committee on Printing, to whom was referred House resolution, introduced by Mr. BUNOWA, to print 2,500 copies of the Manual and Digest for the second session of the Fifty-first Congress, have considered the same, and report back the resolution with a favorable recommendation.

The SPEAKER. The question is on the adoption of this resolution.

Mr. ALLEN, of Mississippi (when the Speaker was proceeding to put the question). In view of the fact that the privilege of printing additional matter in speeches delivered on the floor is one so commonly accorded and so seldom objected to, I shall object to any further business being done in this House without a quorum unless I am accorded the privilege of printing a few additional remarks.

The SPEAKER. This is the report of a committee.

Mr. ALLEN, of Mississippi. Well, sir, I object to its consideration without a quorum.

Mr. SPOONER. I desire to present a report of high privilege.

The SPEAKER. There is a report now before the House.

Mr. ALLEN, of Mississippi (after a pause). I withdraw, for the present, my objection.

The question being taken on agreeing to the resolution reported by Mr. RUSSELL, from the Committee on Printing, it was adopted.

POSTMASTER OF THE HOUSE.

Mr. SPOONER. I desire to present from the Committee on Accounts a report upon a subject referred to it for investigation by the House, and I ask for the present consideration of the report.

The report was read, as follows:

The Committee on Accounts, who were charged by the accompanying resolutions with the investigation of the charges therein made against James L. Wheat, the Postmaster of the House of Representatives, and such other matters as pertain to his administration of the post-offices of the House, and also as to the acts of the Postmaster of the House during the Forty-ninth and Fiftieth Congresses as to similar matters, respectfully report:

That they have, in open session of the committee, given hearings as to all matters submitted to their consideration touching the charges and accusations made, and taken the testimony of all witnesses presented for examination thereon, together with the testimony of those whom they were advised or supposed might assist them in arriving at the facts sought, and have made a full and careful investigation of said charges and the facts upon which they are founded; and they find and report the facts concerning said matters to be, in substance, as follows:

I. At the beginning of the present session of Congress, when James L. Wheat entered upon the performance of his official duties as Postmaster of the House he found Henry Culbertson engaged in carrying and delivering the mail of the House of Representatives, under a contract theretofore made with said Culbertson by Lycurgus Dalton, the Postmaster of the House during the Forty-ninth and Fiftieth Congresses, in behalf of the United States, for an annual compensation of \$5,000, payable monthly.

Mr. Wheat thereupon, by a written agreement dated December 2, 1889, in behalf of the United States, contracted with said Culbertson for carrying and delivering said mail, for and during the fiscal year ending June 30, 1890, for the same compensation (\$5,000 per annum, payable monthly), the same being, substantially, a confirmation of the contract then existing between said Dalton and Culbertson and covering the unexpired period for which the same would continue by its terms.

At the time of making said contract of December 2, 1889, it was verbally agreed between said Wheat and Culbertson that, from the compensation received by Culbertson under said contract, he should pay to Wheat monthly the sum of \$150; and, pursuant to that agreement, \$150 per month were paid by Culbertson and received by Wheat for five months, from December, 1889, to April, 1890, both inclusive, a total of \$750.

In April or May, 1890 (and, as Mr. Wheat testifies, on account of talk he heard concerning it), Mr. Wheat consulted with R. J. Bright, esq., a practicing lawyer in this city, who was formerly Sergeant-at-Arms of the Senate, as to his said arrangement with Culbertson and (without examination of the law, however, and evidently with the belief upon the part of Mr. Bright that the law was as it had been previous to the Fiftieth Congress and that the appropriation was and had been controlled by the Postmaster of the present and previous Congresses as if it were a part of the salary) Mr. Wheat was advised by Mr. Bright that "he had no occasion whatever for the services of an attorney," and "that he ought to pay no attention to the threats that were made"—referring to the alleged threats of some of Wheat's employees.

The committee, however, do not desire to be understood as assenting to any interpretation of the law, even as it existed previous to the Fiftieth Congress, which would permit the Postmaster of the House to personally profit out of said appropriation for mail service. Culbertson, having special need for the money, by consent of Mr. Wheat, withheld from his monthly compensation for May, 1890, and retained the \$150 which he would otherwise have paid Wheat; and by reason of the occurrences hereinafter mentioned, has never paid the same nor any other sum of money to Wheat on account of their verbal agreement. Early in June, 1890, Mr. Wheat again consulted his lawyer, Mr. Bright, who then examined the law and for the first time had his attention called to the specific provisions of the clause making the appropriation for carrying the House mails, etc., and to the change of language first introduced therein in the Fiftieth Congress.

For a number of Congresses preceding the Fiftieth Congress, that appropriation was made by the legislative appropriation bills, in the paragraph entitled "Office of Postmaster" (House of Representatives), in the following language:

"For hire of horses and mail wagons for carrying the mails, \$5,000."

But in the legislative appropriation bill of the first session of the Fiftieth Congress, and of each subsequent session, the clause making that appropriation has been framed as follows:

"For hire of horses and mail wagons for carrying the mails, \$5,000, or so much thereof as may be necessary."

Mr. Bright then advised Mr. Wheat that, in view of the provision in the law "or so much thereof as may be necessary," he (Mr. Wheat) was not entitled to receive or hold any part of the money arising from said contract of Culbertson; and thereupon the entire amount of \$750 received by Wheat from Culbertson was paid into the United States Treasury, the official receipt for which, under date of June 16, 1890, was presented before your committee.

II. Your committee also find and so report the fact to be that, with the knowledge and consent of Mr. Wheat, one William E. Bradley (not, however, an employee in the Government Printing Office) was, from the 11th day of March to the 29th day of April, 1890, borne upon the pay-roll of the House post-office without performing any service therefor; but that, by special arrangement with Walter Wheat, the son of the Postmaster, he paid over to said Walter from the pay received and receipted for by him the sum of nearly \$150, being the en-

tire amount of such pay, less \$15, retained by him according to his agreement with Walter Wheat.

During the continuance of this arrangement between Bradley and Walter Wheat it appears from the testimony that Walter, who was an employee in the House post-office, and on the pay-roll and receiving regular pay as such, performed additional labor on the mail wagons as a substitute for Bradley, and perhaps, as he claims, performed almost or quite double service while receiving almost double pay.

It is also just to state that this arrangement and some other cases where "substitutes" were employed were all of a temporary character and originated in the existence of a temporary vacancy in the regular force or the temporary absence of an employee; and, while the employment of "substitutes" to perform the labor or service of those who are elected or appointed therefor is likely to give rise to abuses, of which we consider this an instance, the practice has long been deeply rooted in the service of the House, and in some cases at least, when properly guarded, may be unobjectionable, and, at times, even necessary to secure proper performance of required service.

Other complaints against the Postmaster of the House and his administration of his office did not seem to your committee to be of a serious character, nor to require special recital or consideration.

III. The only matters touching the acts of the Postmaster of the House during the Forty-ninth and Fiftieth Congresses which were brought to the attention of your committee, or seemed to require their special consideration, were those concerning the mail contracts.

Henry Culbertson, heretofore mentioned, was also the party who carried and delivered the mails of the House under contract with Lycurgus Dalton, then Postmaster of the House of Representatives (representing the United States), substantially the same as the written contract made by him with Wheat dated December 2, 1889, the compensation for the service provided by the terms of each contract being \$5,000 annually. Culbertson is the father-in-law of Dalton; during a brief portion of the time mentioned they lived together; they both admit that from the time Culbertson took the first contract up to a very recent period they have had relations which have called for advances or loans and payments of money and transfers of property by one to the other; that, at the time Culbertson first took the contract from Dalton, the money required (some \$1,500 or \$1,800) to purchase wagons and horses for use in carrying the mails was advanced by Dalton and subsequently other sums, all which they both claim was a loan from Dalton to Culbertson; that they were interested in certain houses purchased by Culbertson—some of them with money furnished by Dalton; that various sums of money from time to time passed from Culbertson to Dalton and one of \$300, just after the expiration of Dalton's term of office as Postmaster of the House, early in December, 1889, and that within a few weeks from the present time certain lots of land in Bedford, Ind., were conveyed by Culbertson to Dalton, which sums of money and conveyance are alleged by them to have been in payment of loans and advances, heretofore referred to, made by Dalton to Culbertson, or were loans made by Culbertson, both testifying that there was no private understanding between them and that Dalton was not interested in the mail contracts.

It is, however, testified by F. J. Meeks, a dealer in wagons, harnesses, etc., in this city, that he sold to Dalton personally five wagons for use in carrying the mails of the House, which were used by Culbertson in said service under his contract with Dalton; that said wagons, as also repairs subsequently made, were charged by him upon his ledger to Dalton, and paid for by Dalton, occasionally through Culbertson, and once by indorsement by Dalton of a check of a third party payable to the order of Dalton; that he neither knew nor was told as to the business relations between Dalton and Culbertson, but assumed from his transactions with him and the fact that he was Postmaster of the House that the business was Dalton's. Your committee therefore find and so report that the charges made in said resolutions as to the Postmaster of the House are substantially established; and that, although the relations and dealings between Dalton and Culbertson, in so far as ascertained, give rise to grave suspicions that some private arrangement existed between them, whereby Dalton, during the Forty-ninth and Fiftieth Congresses, derived personal profit out of his contracts as Postmaster of the House with Culbertson for carrying the mails, no absolute proof thereof has been obtained by your committee.

Your committee will return the testimony taken in said investigation, and request that the same be printed.

They recommend the passage of the following resolution:

"Resolved, That the office of Postmaster of the House of Representatives be, and the same is hereby, declared vacant; and that the assistant postmaster of the House be, and he is hereby, directed to perform the duties of Postmaster until a Postmaster shall be elected and duly qualified."

Mr. HAYES and Mr. GRIMES submit the following views of the minority:

We agree in the main with the foregoing report and its conclusions, and recommendation, but dissent from the conclusion that there are any grounds of suspicion against Dalton. He and Culbertson both swear positively that there was no private or other understanding between them, and that Dalton had no interest in the mail-carrying contract, and this is the only direct testimony upon the question; and the circumstances as shown by the evidence, to our minds, not only sustain this idea, but we are firm in the belief that no private arrangement existed, and that Dalton's conduct of the office was clean. There being no testimony to the contrary, we do not think a mere suspicion should be stated in any event, and as for ourselves there is no suspicion even existing.

Mr. ENLOE addressed the Chair.

Mr. SPOONER. I believe I have control of the floor. What time does the gentleman from Tennessee desire?

Mr. ENLOE. If the gentleman will yield for one moment, I would like to offer an amendment to the resolution of the committee so as to provide for the printing of the testimony in this case.

Mr. SPOONER. It may be read for information.

Mr. ENLOE. Very well, let it be read.

ADJOURNMENT SINE DIE.

The SPEAKER. If there is no objection on the part of the House, the Chair perhaps had better submit the resolution in regard to final adjournment.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the President of the Senate and the Speaker of the House of Representatives—

Mr. ALLEN, of Mississippi. I object to that until we get through with this other matter.

Several MEMBERS. Let it be read.

The SPEAKER. It is the resolution providing for final adjournment.

Mr. MCKINLEY. I will say there is no purpose now to fix the time; we simply want the resolution read.

The SPEAKER. The Chair was submitting the resolution for concurrence, so that notice might be given to the Senate.

Mr. ALLEN, of Mississippi. I object for the present.

Mr. McKINLEY. I desire to say I am not sure we shall be ready to adjourn at 5 o'clock. We may want to fix a later hour.

The SPEAKER. The resolution will be withheld for the present.

POSTMASTER OF THE HOUSE.

The SPEAKER. The Clerk will read the proposition sent to the desk by the gentleman from Tennessee [Mr. ENLOE].

The Clerk read as follows:

Resolved, That 5,000 copies of the testimony in the case be printed for the use of the House.

Mr. ENLOE. I ask the gentleman from Rhode Island [Mr. SPOONER] to accept that as an amendment.

Mr. SPOONER. What is the ordinary number, does the gentleman know?

Mr. ENLOE. I am informed that this is the usual number. I inquired of my colleague [Mr. RICHARDSON], who is a member of the Committee on Printing.

Mr. RICHARDSON. I did not intend to make the impression on the mind of my colleague that 5,000 copies is the usual number. With regard to printing documents, the usual number, as I understand, would be 1,950 copies, or about that number. But I said that it was customary frequently, in providing for the printing of testimony, to ask for as many as 5,000 copies. I presume that remark misled my colleague.

Mr. KERR, of Iowa. I wish to ask the gentleman from Tennessee [Mr. ENLOE] whether he would have any objection to amending his proposition so as to include the printing of 5,000 copies of the Silcott investigation.

Mr. ENLOE. I will say to the gentleman that I offered a proposition to appropriate \$5,000 to secure the apprehension of a Democratic thief; and I do not think it is necessary for the gentleman from Iowa to interject any such suggestion at this point. Now, I do not object to the resolution if it is amended to include the testimony and the majority and the minority report.

Mr. SPOONER. There is no resolution accompanying the report concerning the printing of the testimony, and on account of the inability of the committee to report the testimony back to the House, the examination being made in the last hours of the session and not yet having been committed to long-hand, the suggestion was made in the report that a request would be made for the testimony when prepared and that it might be printed. As to the number of copies I do not know; the committee have no wish or suggestion to make in regard to the matter, but when it comes up in proper form, personally, I shall not object to the printing of 5,000 or any other reasonable number of copies.

Mr. ENLOE. My reason for offering the amendment to the resolution now was to follow out the recommendation of the report that was concurred in in full, I believe, in that particular to print the testimony and both reports. I think that is in the line of the recommendation of the committee, and I thought it proper that it should be adopted in connection with the other resolution.

Mr. SPOONER. In regard to the printing of the testimony I think that is a matter that can be determined after the adoption of the resolution.

Mr. ENLOE. I think there is probable danger that we may get on to some other business and not be able to recur to this again and secure the printing of the testimony. In that view of the case I thought it proper to amend the resolution so as to provide for the printing of the testimony now, so that the House may understand what the committee bases its action upon.

Mr. SPOONER. I have no objection, if it is agreeable to the House.

The SPEAKER. The question before the House is on the adoption of the resolution.

Mr. SPOONER. That is what I supposed, and the other matter is merely incidental. The matter of printing, however, will be attended to, as I have already suggested, and an order obtained for that purpose before this question is finally disposed of.

Mr. ENLOE. If I can have the assurance of the gentleman to that effect, or if I might have a chance to offer a resolution as an independent proposition, I shall make no objection.

Mr. SPOONER. The gentleman from Wisconsin [Mr. CASWELL] desires to be heard for five minutes.

Mr. ENLOE. I think I have a right to insist on the amendment.

Mr. BUCHANAN, of New Jersey. Why, he has not even the floor.

Mr. ENLOE. I understand that, but I do not understand the condition of affairs to be such as it will enable the previous question to be ordered; and so I think I can not be very well cut off from the right to offer it.

Mr. SPOONER. As I have just stated to the gentleman, there will be no difficulty in arranging about the printing of the testimony afterwards.

Mr. ENLOE. With the assurance of the gentleman that that will be done at this session I shall be perfectly satisfied.

Mr. CASWELL. Mr. Speaker, I do not rise to antagonize the report

of the committee in the slightest degree, but to call the attention of the House and the country to the investigation just made and the exact situation of this question.

This man, the Postmaster, who retires from office, goes from his position without a dollar of public funds in his pocket; and I would say further, as will be disclosed by this testimony and a careful reading of the report, that the result of his administration has been a saving to the Government of some \$1,300.

I think, although it is omitted from the report, it is the undisputed fact that in June, after this new construction of the law was discovered, after Mr. Wheat was advised that this appropriation of \$5,000 was not an absolute appropriation to him, and after it was so discovered, a saving might have been made to the Government, that Mr. Wheat let the contract to a new party, a stranger, a man who stands entirely clear and unconnected with the Postmaster, for the sum of \$4,000 instead of \$5,000, which sum had obtained for many years. Now, he occupies this position: that during his administration, which has lasted less than one year, he has saved to the Government out of this \$5,000 of appropriation at least \$1,300; and yet, under the new discovery of the change of the language of the appropriation, he must suffer because he did a wrong.

I want to say that so far as prior Postmasters of the House are concerned, so far as Mr. Dalton and perhaps others for a series of years are concerned, they have acted under the phraseology of the appropriation of \$5,000 for the Postmaster of the House of Representatives for hiring horses and wagons to distribute the mails in the city, and acting, I dare say, under the belief that the appropriation of \$5,000 was due and belonged to them and they had a right to secure the services as cheaply as they could—and that it seemed to be the property of the Postmasters—they would let a contract to a friend under this belief that the appropriation belonged to them of right, and in that way the service has been performed. But not until 1888 was the language of the appropriation changed. Then the House discovered, and I think for the first time, when this trouble arose in relation to the present or the late incumbent, and close and careful examination will disclose it, that the paragraph reads, since 1888, "\$5,000, or so much thereof as may be necessary," for carrying on the service.

The counsel of Mr. Wheat, before making this discovery, advised him that it was a lawful and legal perquisite, any saving out of the money appropriated for carrying the mails; and under such advice, coupled with the statement of the parties found in possession of the office when he entered on its duties that it was a lawful and proper perquisite, he continued the same line of service, and I think substantially the same practice, under the belief all the time that the entire \$5,000 belonged to the Postmaster, to be used by him in the performance of this service in such manner as he saw proper.

And I want to call the attention of the House to the fact that the salary of \$2,500 allowed the Postmaster and to which he is alone entitled, and nothing more, is too small, and it has been understood I think for some years that his compensation was brought up and made somewhat adequate by reason of the appropriation for carrying the mails through the city.

A very small salary may have led to this serious difficulty. And clearly, as the law now is, he is only entitled to the \$2,500 salary, and if anything can be saved out of the appropriation for carrying the mails about this city, it should be left in the Treasury and does belong to the Government.

Now I want to say one word in reference to this double pay which it is said Walter Wheat drew from the Treasury. It is true that for six or seven weeks, I think, while there was a vacancy, this occurred. There was a branch of the service that had to be performed by somebody, and somebody with experience, and we all know what that service is; it is the distribution of the mails that takes place in the morning and at evening. Walter Wheat's duties were in the office below, behind the counter, distributing and handling the mails there, from 9 o'clock until 4; but in the morning he commenced on this distribution and filled the place of the absentee and performed his service before 8 o'clock, as did the other messengers, and again in the evening after his duties had ceased in this office, after 4 o'clock, he then went out upon the beat that belonged to the absentee, and worked faithfully and diligently and performed that service; and for those extra hours of work, for this service well performed, he drew the pay.

Now, it has simply resolved itself in this shape: Was he entitled to draw his pay as a substitute for the absent employé whose duties he performed outside of his own hours of duty? The Government has suffered nothing. It may be an irregularity, perhaps, that ought not to be practiced, but the Government has not suffered a dollar. The service was well and faithfully performed by a laborer, and he got his pay for it, and that is all there is in it; and when we sum it all up, by the administration of Captain Wheat the Treasury of this Government is not short a single dollar, but is some \$1,300 ahead, as I have before stated. The sum of \$1,300 has been saved out of his administration; and I congratulate the House and the country that in this investigation, supposed to be so serious, the Government has suffered no loss of money, but has gained by his administration. I thank the House for its attention.

Mr. HOLMAN. I wish the gentleman from Rhode Island [Mr. SPOONER] would yield to me for a few minutes.

Mr. SPOONER. I have no objection to yielding five minutes, if the gentleman desires it.

Mr. HOLMAN. Mr. Speaker, the gentleman from Wisconsin [Mr. CASWELL], when this subject was first before the House, stated that his understanding was that the contract made by the Postmaster of the present House for the carrying of mails was the same as the contract made for that service in past years by the Postmaster of the House.

Now, that statement is undoubtedly correct; for, according to my understanding, the appropriation of \$5,000 has been made annually for the last fourteen years, at least as far back as the Forty-fourth Congress, and always substantially in the same terms, except that since and including the Forty-ninth Congress the terms used were \$5,000, "or so much thereof as may be necessary," for the carrying of the mails. But I think the impression that struck the House was not intended to be made by him.

Mr. CASWELL. Does my friend understand that that clause attached as far back as 1875?

Mr. HOLMAN. No. I say it began with the Forty-ninth Congress; but, I think, as far back as the Forty-fourth Congress. Of course the legal effect, as my friend knows, is the same. Where there is an appropriation of money for a given service, if the service can be performed for a less sum, of course it is the duty of the public officer having charge of the fund only to draw so much of it as is necessary. The additional clause was added in the Forty-ninth Congress out of abundant caution, although this subject of the cost of carrying the mails had been frequently considered by the Committee on Appropriations before that Congress.

But my friend from Wisconsin [Mr. CASWELL] certainly left the impression on the House in his former statement, I must assume unintentionally, that the contracts had been the same in former years as during the present Congress in respect to the Postmaster receiving a portion of the money; that is, that a part of the sum appropriated had gone to the benefit of the Postmaster himself. Now, I know the gentleman from Wisconsin [Mr. CASWELL] did not intend to create any such impression. Yet his statement was misleading. The contracts were, I have no doubt, word for word the same since at least the Forty-fourth Congress, when the sum was fixed at \$5,000. Before that the amount was larger. The appropriation had been much higher in former years, but was reduced to \$5,000 in the Forty-fourth Congress, and the same amount has been appropriated every year since, but he did not say that the private agreement was the same.

I do not think my friend from Wisconsin [Mr. CASWELL] is now justified in saying, from the testimony as it has been published in the newspapers—of course I have not seen the official report of the testimony, as it has not been printed—that there is any possible reason even to suspect that Mr. Dalton himself had any interest in the contract in the Forty-ninth or Fiftieth Congresses.

Mr. CASWELL. I hope when this testimony is printed that the gentleman will read it, and not take the newspaper reports, which have been very incomplete.

Mr. HOLMAN. All I can judge by now is the testimony published from day to day in the newspapers.

Mr. CASWELL. The newspaper statements have been very incomplete.

Mr. HOLMAN. But, Mr. Speaker, without any reference to the propriety of a public officer employing a relative in a public employment under a contract which he himself makes, where the payment is made through himself—without saying anything about the propriety or impropriety of that, a custom now too common in our Government—there is not in the newspaper reports of the testimony as published a particle of evidence that militates against the statement made in the minority report, just read at the Clerk's desk, completely exonerating Mr. Dalton from any suspicion of participating in the profits of this contract.

I think that that minority report simply states the facts as they appear in the newspaper publications; that there is not evidence—the former Postmaster and the former contractor being both witnesses, it seems, before the committee—that creates any just or reasonable suspicion of a common interest in the employment of the fund provided for the transportation of the mails. Both of them (as the testimony published in the public newspapers states) declare that Dalton, the Postmaster, never received a dollar of the money that was appropriated and paid for that service. If I am not correct about that I hope I will be corrected by gentlemen of the minority, and under such circumstances I do not think the majority of the committee should cast even the slightest suspicion upon the integrity of a former public officer for the purpose of somewhat mitigating the offenses of another. I do not think that is just.

Mr. HAYES. Mr. Speaker—

The SPEAKER. Does the gentleman from Rhode Island yield?

Mr. SPOONER. I yield to the gentleman from Iowa.

The SPEAKER. How much time?

Mr. HAYES. I only want a few moments.

Mr. SPOONER. I yield five minutes to the gentleman from Iowa.

Mr. HAYES. Mr. Speaker, so far as the question in this case is

concerned, the remarks which I desire to offer will be but a reiteration of what my colleague on the committee and myself have said in the minority report, and that is that there is not, to our mind, the shadow of a suspicion as against Mr. Dalton so far as the conduct of the office was concerned. The simple facts are these: The only testimony bearing upon that question, the only testimony to determine the relations existing between Mr. Culbertson and Mr. Dalton in regard to that contract, was the testimony of those two men themselves. They both swore positively, distinctly, and emphatically that no arrangement existed, and there is not the slightest suspicion which, to my mind, can lead to any contrary conclusion.

In the first place, it is not claimed that there is any testimony in conflict at all; but it is claimed that some circumstances point that way, and the only circumstance there is, is the fact that these men did their business and kept their accounts very loosely, which is entirely explained by reason of their family relations. They did not do their business as accurately and as closely and keep their accounts as well as strangers would.

Mr. CASWELL. I want to ask the gentleman one question right there.

Mr. HOLMAN. If the gentleman from Iowa will permit me, I wish him to give me an opportunity right here to add that most gentlemen around me are well acquainted with Mr. Dalton, and many of them have been for a number of years; and I desire to say that so far as I am able to judge from the testimony as published no possible presumption of any wrong-doing on his part is shown. In the State of Indiana he is well known (he does not live in my part of Indiana); he has served as State librarian and in other public offices, and has always borne an honorable character; his integrity has always been beyond question. I think that his honorable deportment will be certified to by all gentlemen who have known him here as an officer of the House for the last six years.

Mr. CASWELL. What I said was that he labored under the impression that he was entitled to the \$5,000.

Mr. HOLMAN. But there my friend, I think, is not justified by the facts.

Mr. CASWELL. Possibly I am wrong.

Mr. HOLMAN. He and the contractor deny that he ever received one dollar of that money, and the oath of neither is impeached. I think that a gentleman who has sustained a high and honorable position through life, who has been in the employment of this House and had the friendship of every member of the House, both Republican and Democratic, should not be assailed even by an intimation that there can be any question as to his integrity without some reasonable proof.

Mr. CASWELL. How can the gentleman account for this, then, that he was paying as Postmaster to his father-in-law much more than the service was worth?

Mr. HAYES. How do you know that? There is not the slightest evidence from the beginning to the end as to the value of the service.

Mr. HOLMAN. For years I have questioned the necessity of that amount, and the Postmaster has been called before the Committee on Appropriations more than once to see if we could not cut down this item. I have insisted myself upon a reduction, and Mr. Randall and myself more than once after the reduction in the Forty-fourth Congress endeavored to have this item cut down, and we were met with the statement that it was impossible to carry on the service promptly and efficiently unless that amount was allowed. In the Forty-fourth Congress, when there was an effort to cut down expenses to the last dollar, we made that point and did not succeed, except by a reduction of \$400; so it has remained at \$5,000 upon the assurance, given from time to time by persons competent to judge, that if we wanted to have the mail promptly delivered no less a sum than \$5,000 would do so.

Mr. CASWELL. I want to ask the gentleman if the testimony does not show that Mr. Dalton furnished the money, at least, and transacted the business in making the purchase of the entire stock for Mr. Culbertson.

Mr. HAYES. In regard to that I will say this: There is not the slightest doubt that it is shown in this evidence that when Mr. Culbertson took the contract he did not have a dollar in the world, figuratively speaking. That was the expression that was used. Of course he did have a few dollars in his pocket. Now, then, following that, there is no doubt about it that Mr. Dalton furnished the money both directly to him and in paying his bills; and it is shown in the testimony that every dollar of that has been paid, and there is no testimony so far as that is concerned that one dollar of the profits of the business has been paid to Mr. Dalton.

Now, what sustains that theory of the case, and makes it perfectly apparent to my mind that no such thing existed as a private arrangement between those parties, is the fact that Mr. Culbertson to-day accounts for every dollar of legitimate profit that could have been made so far as the contract was concerned.

The SPEAKER. The time of the gentleman has expired.

Mr. HAYES. Will the gentleman from Rhode Island give me a little more time?

Mr. SPOONER. I yield three minutes more to the gentleman from Iowa.

Mr. HAYES. As I was saying, every dollar of the money, so far as there could be any legitimate profit in that contract, was accounted for by Mr. Culbertson. Remember that this man did not own a dollar in the world at the time of first making the contract. He held the contract six years and at the end of that time he has a house and lot costing \$6,500, fully paid for, and besides that we have some evidence—no complete evidence, but some evidence—that he has something additional, because he himself testified that he had made presents to the amount of \$300 to two of his daughters within a few months, and he has a large family.

Mr. CASWELL. Does it not appear from the testimony of Mr. Meeks that he sold wagons during this service and charged them direct to Mr. Dalton, and that repairs which were made on the stock used in carrying the mail were charged direct to Mr. Dalton?

Mr. HAYES. In regard to that I will say that no one has ever disputed that Mr. Dalton furnished the money, and when you come to the testimony of Mr. Meeks it was entirely a case of assumption. He said that he was never ordered to charge those things in that way. He says he was never told to do it; that nothing was said about Mr. Dalton's interest in the matter; that he made the charges in that way because he supposed from the fact that Dalton was the Postmaster, and the fact that these things were to go for the use of the post-office, that it was his business; but Meeks distinctly stated that nobody ever told him so, and that nobody ever told him to make the charges in that way.

Mr. CASWELL. If Mr. Culbertson was making so much money, why did he have the repairs of the wagons that he was using charged to Mr. Dalton?

Mr. HAYES. Neither Dalton nor Culbertson ever authorized those charges to be made. Meeks himself so testified. This shows that it was a mere assumption on his part, whether true or false. He never had any authority from either Dalton or Culbertson to make those charges in that way.

Mr. CASWELL. Well, but Dalton paid the bills.

Mr. HAYES. Now, in regard to this smoothing over of the conduct and motives of Mr. Wheat, which of course has been very nicely done by the gentleman from Wisconsin [Mr. CASWELL], I did not intend to say anything on that subject. In other words, it was no part of my desire or my intention to throw any parting stones at Mr. Wheat, but if the ideas and the theory so nicely stated here on behalf of Mr. Wheat by the gentleman from Wisconsin are correct, then this committee should receive the condemnation of the House and not Mr. Wheat, because he is innocent.

In my judgment and in the judgment of the committee—it is stated in the report, so that I am not violating any confidence—in our judgment, he was not innocent. We did not look upon him as innocent, and could not do so under the testimony that was adduced. If he had supposed that that \$5,000 belonged to his office, that it was a part of the funds of the office to be dealt with as he saw fit, he would not have made a contract with Mr. Culbertson for the whole \$5,000 and then have made a secret arrangement, an arrangement which he tried to keep secret, to get back \$150 a month. He would have made the contract for precisely what it was, and would have kept the balance, supposing that it belonged to him as a perquisite of his office. That alone is absolutely conclusive, and was conclusive to the minds of the committee, that he did not have that idea or that theory of the case.

As to the idea that he was drawing any distinction between the different wording of these two acts of Congress, it is absurd, because he never knew anything about either of them. There is no evidence and no reason to believe that he ever looked into the law at all. He simply took the contract that he found existing between Mr. Culbertson and Mr. Dalton and copied it so far as the amount, terms, and conditions were concerned, and then called this man Culbertson up to his room and told him he would continue the contract if he (Culbertson) would pay him (Wheat) privately \$200 a month. They had some controversy as to the amount, and finally they settled upon \$150 a month, which was paid.

So far as the Government being held harmless and so far as Mr. Wheat being influenced by any consideration of that kind is concerned, the fact is that the money was returned only when the thing was being made public to the world and Mr. Wheat was afraid of exposure. There was no merit in his conduct in that particular. The fact that the Government was held harmless is simply a piece of good luck, and the Government owes nothing to the integrity or the good wishes or the good intentions of Mr. Wheat.

Mr. SPOONER. I yield now to the gentleman from Alabama [Mr. HERBERT].

Mr. HERBERT. Mr. Speaker, the testimony in this case has not been printed, and, not having had access to it, of course I can not speak of what it proves, but if I caught correctly the language of the report as it was read from the desk, the gentlemen of the committee, upon their own showing, have done a grave wrong to Mr. Dalton. His character has heretofore been beyond suspicion, as is stated on this floor, and I believe admitted by all.

This report says that the testimony casts suspicion upon his character; and then in the very next breath the report goes on to say there

is no absolute evidence against him. If there be no absolute evidence against him, for what purpose do the gentlemen of the committee indulge in language calculated to blast the character of a man who so far as the testimony shows is innocent?

This report comes in here in the nature of a judicial finding by a committee appointed to investigate and report judicially upon this case. Who ever heard of a judicial body making publicly a grave finding that the evidence casts suspicion upon a person, but does not prove his guilt? What can be the meaning of that allegation? I think the gentleman who penned it and those who adopted it, when they come to think it over, will be bound to admit that they have made a grave mistake in thus attacking the character of a man and then saying in the next breath that there is no absolute evidence against him. Gentlemen of the committee, if you had suspicion against him, why not follow out that suspicion either in this or in a subsequent investigation? Do you prefer to come in here and by an innuendo of that kind blast the character of an innocent man forever, so far as you can? To cover up the track of a Republican, who you admit has been proven a thief, you blacken the character of a Democrat against whom you admit nothing has been proven. Does partisanship carry you to that extent?

Mr. Speaker, I have said all that I care to say.

Mr. SPOONER. I yield to the gentleman from Tennessee [Mr. ENLOE] five minutes.

Mr. ENLOE. Mr. Speaker, I believe I understood the gentleman would be willing to yield me ten minutes.

Mr. SPOONER. I should be very glad to do anything reasonable; but of course the gentleman understands we are now in the very last hours of the session. I hope he will be able to conclude in five minutes.

Mr. ENLOE. It can not be expected that I should be able to say much about this investigation in five minutes.

The facts in this case may be briefly summarized. The law imposes on the Postmaster of the House the duty of making the contract for carrying the mails and appropriates the sum of \$5,000 per year for that purpose, "or so much thereof as may be necessary." Mr. Wheat is charged in one of the resolutions with letting this contract to Culbertson for the full amount of the appropriation for a pecuniary consideration. The fact is proven by the testimony of both Wheat and Culbertson that they entered into a contract December 2; that Culbertson agreed to pay and did pay to Wheat \$150 per month for the privilege of carrying the mail at the contract price of \$5,000 per annum.

There has been a strong effort to make it appear that Mr. Wheat is an injured man and was misled by the advice and the statements of others. It was evident that he had been advised to unload his conscience and make a clean breast of it in this investigation and rely on the plea of ignorance and inexperience, and trust to the mercy of his friends. The proof shows that he hastened to see Culbertson and arrange to bleed him. Almost immediately after his nomination he sent for him. He met him the very day he was elected and demanded that Culbertson should pay him \$200 a month for the contract. Culbertson dissented, but offered \$150 a month, and Wheat closed the trade.

A new contract was made on the spot at \$5,000 a year, and is made a part of the testimony. The gentleman from Wisconsin [Mr. CASWELL] claimed that it was an inherited wrong, but the proof contradicts him. Mr. Wheat claimed in his evidence that he got the idea from members of Congress and others the night he was nominated in the caucus that he had the right to take what he could get out of the \$5,000 appropriated for carrying the mails as a perquisite. I tendered him the Congressional Directory and asked him to name one Republican member of Congress who congratulated him on that, and suggested to him that idea. He said he could not name one, nor could he name any other person who then congratulated him on that view of the matter, though he repeated the statement that many members and other persons so congratulated him.

Anybody who reads his testimony must conclude that he was advised by astute counselors in this case as to his plea of confession and avoidance. His confession shows that he relied on getting out by pulling Dalton into the mire, but his own testimony stopped short of the attainment of that purpose. It was weak in itself, and absolutely unsupported as to Dalton.

The gentleman from Wisconsin [Mr. CASWELL], who so eloquently pleads before the House to-day, was one of Mr. Wheat's counselors in all his trouble; he went before that committee as a voluntary attorney or friend to conduct the investigation for him. He defended him on the floor of the House when an investigation was proposed; he defended him before the committee; he testified for him on the stand; and he has to-day tried to convince this House that Mr. Wheat is an innocent man.

Now, the first time that it occurred to Mr. Wheat that he had done anything wrong in making this contract and putting \$150 a month into his pocket which did not belong to him was when a publication had been made in the newspapers and there were rumors and threats of investigation. He then went and consulted an attorney, Mr. Bright, to find out whether or not he needed counsel, and he proffered him a retaining fee in advance of stating his case. But when he stated what

his case was he alleged to his attorney, as his attorney has stated on the stand, that he was acting upon information of Mr. Dalton that he had the right to make this contract and that he was following Mr. Dalton's example. The attorney said, "If that is true, you need no attorney."

It seems never to have occurred to Mr. Wheat that he should examine the statute under which he was acting.

Then what did he do? According to the evidence in this case he went back and continued to collect the money from Culbertson and put it in his pocket. But there were continual rumors and threats of investigation. He had cut his victims too deep and the wounds would not heal. Finally he concluded it was getting so uncomfortable for him that he had better go and put the money back into the hands of Mr. Culbertson. He testifies that he did not go, but his son Walter went to Mr. Culbertson and offered to put the \$750 he had received into the hands of a third party to be held until the danger of an investigation should pass, and then to be returned to Mr. Wheat. The evidence shows that Walter Wheat acted throughout this whole matter as the financial agent or attorney of his father; that he consulted him in regard to every transaction; and this is the only instance where he assumed to act without its being proven clearly that he was acting with his father's consent and by his advice.

Mr. Wheat says Walter came back and told him what he had done. Mr. Culbertson rejected the proposition. When Mr. Wheat found that he could not put the money in the hands of a third party with a string to it he went back to his attorney and consulted him again. He says he consulted the gentleman from Wisconsin [Mr. CASWELL]. He says he consulted the Speaker of this House and laid the whole thing before him, and I believe the testimony of Mr. Wheat is that he consulted other members of the House.

This information has been in the possession of the majority of this House since early in June. Somebody advised him to go to his attorney again. That attorney took him to the Treasury Department, or took his money there, and deposited it to the credit of the "conscience fund" and took a receipt for it, declining, according to the statement of the Treasurer, to give the details or to state from what source this money came. So it is credited to the "conscience fund."

Knowledge came to the Clerk of the House early in June of this transaction, and he refused to issue the check to the contractor for the next month's pay, which caused Mr. Culbertson to begin to talk again. When Mr. McPherson, the Clerk of the House, was on the stand as a witness, I asked him how it was that he came to place this construction on the law, that he could not pay the contractor for June; whether he consulted anybody about it. He said yes, he consulted the Speaker of the House; he consulted Mr. LA FOLLETTE; he consulted Mr. CASWELL. But he did not take the advice given him; he refused to allow the check to issue, because the contract was illegal; that it was his opinion of the law and he acted on it.

[Here the hammer fell.]

Mr. ENLOE. I would like a little further time.

Mr. CASWELL. Will the gentleman from Tennessee yield to me for a moment?

Mr. ENLOE. I want to get through with my statement.

Mr. SPOONER. I trust the gentleman will be able to conclude in five minutes more.

Mr. CASWELL. These questions were not discovered until just before the investigation was brought into this House.

Mr. ENLOE. You did not so testify before the committee nor did any of your witnesses. On the contrary, Wheat testified that he consulted with the Speaker of the House and others in June. Now, you want to discredit your own witness, whom you have been holding up as a piece of perfection.

Mr. CASWELL. The gentleman is entirely mistaken.

Mr. ENLOE. I am not mistaken. The record will show that I am correct. Mr. Wheat so testified. Mr. McPherson testified that he consulted with the Speaker of the House and the other gentlemen named early in June. He refused to issue the check and says that he rejected the advice which was given to him. What that advice was I do not know; the proof fails to disclose it. I did not get it into the testimony, but suppose it was that he should go on and issue the check as he had been doing.

The SPEAKER. The Chair thinks the gentleman from Tennessee should not go into this. The Chair had nothing to do with the matter, and has done nothing of the kind as suggested by the gentleman.

Mr. ENLOE. I am talking of the testimony in this case. If the Speaker had desired to testify I have no doubt he could have appeared before the committee.

The SPEAKER. The Chair was not in the least aware that there was any question.

Mr. ENLOE. I do not know that he was, but I supposed the party friends of the Speaker would advise him if they thought it material to him.

The SPEAKER. I know nothing and knew nothing of the matter.

Mr. ENLOE. That may be, Mr. Speaker; I do not care anything about that. It is not material to the point I am making. I am talk-

ing of the record as made up of the testimony and of what there appears, and not of voluntary statements of gentlemen at this late hour.

Now, Mr. Speaker, I want to say a little more on the other branch of this case. I want to call the attention of the House to the testimony of Mr. Bradley, a witness who was corroborated to perfection in every detail by the testimony of both Walter Wheat and his father. He came on the stand and testified that he was approached by Walter Wheat with a proposition to allow his name to go on the pay-roll for a consideration of \$5, to remain there a few days to fill a vacancy caused by the removal of a man from Dakota, because they could not get the man here who was to fill the position under four or five days. He made an agreement with Walter Wheat and came to the post-office the next morning and was sworn in. That was about the 11th of March, as I remember. He testifies that he never performed any service, except on pay-day he came up, signed the pay-roll, and drew his pay.

Mr. CASWELL. Was not the service done by a substitute; does not the gentleman know that?

Mr. ENLOE. I am talking of the morals of the case, that you do not seem to understand or appreciate.

Mr. HAYES. There are no morals in it. [Laughter.]

Mr. ENLOE. Now, he came, I say, and was sworn in. According to the testimony he never saw Postmaster Wheat. Walter Wheat, the Postmaster's son, appointed him to the place, settled with him, and took all of the \$67.47 he drew for that month except \$5. The young man said, in substance, "But I have served longer than you said I would need to serve." Wheat said, "Well, I will settle with you in this way: I will give you \$5 now, and then I will get Mr. CASWELL to put his indorsement on your application for a place in the Government Printing Office." Bradley agreed to this. That application and indorsement are on record. Walter Wheat used the indorsement as a valuable consideration in making the settlement. I will say that the gentleman from Wisconsin did not know probably what use was being made of his name. But I am only stating the facts of the case.

Mr. CASWELL. Does not the gentleman from Tennessee know that it was absolutely shown in the testimony that I did not know anything about it?

Mr. ENLOE. I know the gentleman said he knew nothing at all about it, but Walter Wheat said he went to the gentleman from Wisconsin and got him to sign the application.

[Here the hammer fell.]

Mr. LA FOLLETTE. Will the gentleman yield to me for a question? My attention was distracted for awhile, but I am told that he mentioned my name. I desire to know in what connection, and what the gentleman said.

Mr. ENLOE. I said that Mr. McPherson testified on the stand—that is my recollection—that he consulted among others the gentleman from Wisconsin.

Mr. LA FOLLETTE. I asked the question because it was reported to me that the gentleman said that Mr. Wheat had consulted me.

Mr. ENLOE. No, sir; that is not what I said.

The SPEAKER. The time of the gentleman has expired.

Mr. ENLOE. Now, Mr. Speaker, if the gentleman will yield a little more time, I will hurry along.

Mr. SPOONER. I will yield two minutes. Will you finish in two minutes?

Mr. ENLOE. I will try. You will see I am rushing along under a full head of steam now.

Mr. SPOONER. As a matter of fact, you are going over some matters about which there is no question.

Mr. ENLOE. I want to call attention to a further transaction. Bradley testified that at the end of March, after he had made that settlement with Wheat, he went down to the office and Walter Wheat came to him—he never saw the old man in this matter—Walter Wheat said to him, "You can continue on during the month of April and represent another man. There is another vacancy." Frank Hall had been transferred to the police force, and he took Frank Hall's place and drew his pay for the month of April. It amounted to \$96.67. When he drew it Walter Wheat said to him, "I don't want to settle with you just now. There is the money; keep it a week."

There was danger of investigation then and he did not want the money in his hands, but he told him to hold it for a week, and he did hold it. He says he went at the end of the week to the room of the Wheat and he found Walter Wheat and his father sitting together, and he told Walter that he wanted to make a settlement. Walter figured it up that he owed him \$91.67. "Well," said Bradley, "I don't think that is fair. You have kept me on here now for a month and I ought to have half of it." Walter said, "I will never settle with you that way." The old man spoke up, the Postmaster of the House of Representatives spoke and said, "Walter, we had better settle with him on his own terms," or words to that effect, "and get CASWELL to take his indorsement off of his application for a position at the Government Printing Office." And Mr. Wheat himself admits that he did make that statement at that time.

Bradley was appointed by Walter Wheat. Walter Wheat collected the money, as he collected it from old man Culbertson, and in all these

transactions Walter Wheat appears as the agent and huckster and barterer of the patronage of the Postmaster.

The object in offering to place the money received from Culbertson in the hands of a third person to hold it temporarily, as the gentleman from Iowa [Mr. HAYES] calls my attention to it, was that he, Culbertson, might be able to make a statement, if there was any investigation, that he never had paid Wheat any money.

Now there was another little transaction that I want to call attention to and then I shall conclude this statement. It would be profitable to review this entire testimony, for it is very entertaining, but the little time remaining will not permit. Walter testified that he offered to sell his influence with his father to W. L. Rose, a temporary appointee in the office, for the consideration of a side-saddle which he wished to present to a young lady. Walter borrowed it from Rose and said if Rose would let him keep it he would try to make him solid with the old man.

Rose sent and took away the side-saddle, and in a very short time he was discharged from the office.

If the committee had not been pressed for time there is reason to believe that more of the same kind of bartering and huckstering of official patronage would have been disclosed, but the record contains sufficient proof to justify the removal of the Postmaster, and it seems to present a case fit for the consideration of the grand jury.

In regard to the Dalton branch of the case I have only this comment to make: There is absolutely no proof to justify any suspicion of wrong-doing on his part, unless that suspicion should be based on the relationship between him and the contractor under him, who is his father-in-law.

If he is to be condemned, or reflections are to be cast upon him from that fact, then we should begin with the President and come on down through the Senate, and when we reach this House there would be many gentlemen on the other side of this House who would refuse to cast the first stone.

In my judgment the record in this case will vindicate Mr. Dalton from every effort to smirch his character by innuendo, or to condemn him on suspicion. At all events, the evidence fully justifies the resolution offered by the committee to remove Wheat from office.

HOUSE OF FINAL ADJOURNMENT.

Mr. McKINLEY. Will the gentleman yield to allow me to call up the resolution of the Senate concerning the adjournment, and to concur with an amendment to strike out "5 o'clock" and insert "6?"

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, October 1, 1890.

Resolved, That the Senate concur in the foregoing resolution of the House of Representatives with the following amendment:
Line 5, strike out "Tuesday, the 30th day of September, at 2" and insert "Wednesday, the 1st day of October, at 5."

Mr. McKINLEY. I move to concur with an amendment to strike out "5" and insert "6."

Mr. ALLEN, of Mississippi. I object.

The SPEAKER. The question is on concurring in the resolution with an amendment offered by the gentleman from Ohio.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. ALLEN, of Mississippi. Division.

The House divided; and there were—ayes 105, noes 2.

Mr. ALLEN, of Mississippi. No quorum, Mr. Speaker.

The SPEAKER. The ayes have it—

Mr. ALLEN, of Mississippi. I make the point of no quorum.

The SPEAKER. The gentleman will have to make the point definitely.

Mr. ALLEN, of Mississippi. I do make the point.

Several MEMBERS. No quorum present, or no quorum voting?

Mr. ALLEN, of Mississippi. That there is no quorum present and no quorum voting.

A MEMBER. A quorum is not necessary on a motion to adjourn.

Mr. HOLMAN. This is not a motion to adjourn.

Mr. BRECKINRIDGE. This is a concurrent resolution to terminate the session, and it requires the action of the whole House.

The SPEAKER. This is a concurrent resolution to terminate the session, which is different from the ordinary motion to adjourn.

Mr. ENLOE. Mr. Speaker, will I be at liberty to continue my remarks while a quorum is coming in?

The SPEAKER. The Chair thinks not.

Mr. ENLOE. Can I do it by unanimous consent?

The SPEAKER. The Chair thinks not.

Mr. TRACEY. I would like to ask unanimous consent that the gentleman from Ohio [Mr. MOREY] and the gentleman from Mississippi [Mr. ALLEN] be allowed to print remarks in the RECORD.

The SPEAKER. The Chair can not put the question, there being a point of order raised that there is no quorum present.

Mr. TRACEY. Not by unanimous consent?

The SPEAKER. Not if the gentleman makes the point of no quorum present.

Mr. ENLOE. Mr. Speaker, a parliamentary inquiry. Can we not by unanimous consent allow the gentleman from Mississippi [Mr.

ALLEN] to print his speech, with the privilege of striking it out if we do not like it?

ANNOUNCEMENT OF CONFEREES.

The SPEAKER. The Chair has appointed the following conferees—

Mr. ENLOE. I make the point of order that the Chair can not appoint conferees when there is no quorum present.

The SPEAKER. The Chair has appointed them.

Mr. ENLOE. That the Chair can not announce them.

The SPEAKER. The Chair will announce, as conferees on the bill (S. 3431) granting a pension to Martha N. Hudson, Mr. MORRILL, Mr. NUTE, and Mr. YODER.

Mr. ENLOE. You can not announce them without a quorum, unless you override parliamentary law.

The SPEAKER. It is a mere parliamentary announcement, like the reception of a message from the President, which is frequently received without a quorum.

Mr. BRECKINRIDGE. I move that the House do now adjourn. We have got into a tangle.

The motion was rejected.

Mr. BUCKALEW. I want to make a single remark. The gentleman from Mississippi [Mr. ALLEN] asks leave of the House to print additional remarks on the tariff. I think that was certainly a very innocent request, and objection was made under a misapprehension.

Mr. MORSE. The gentleman has permission already to print on the tariff.

Mr. CUTCHEON. A parliamentary inquiry, Mr. Speaker. I understand that the present situation arises from the fact that objection was made to the request of the gentleman from Mississippi [Mr. ALLEN] to print some remarks on the tariff. Would it be in order to resubmit that request for unanimous consent?

The SPEAKER. The gentleman has made the point that there is not a quorum present.

Mr. CUTCHEON. I understand that the gentleman is willing to withdraw the point of order.

Mr. HOOKER. I beg leave to offer the suggestion that I think my colleague will be willing to withdraw his point that there is no quorum in order that the Senate may be notified of the action of the House that we can not adjourn at 5 o'clock, but will adjourn at some later hour during to-day. The gentleman simply desires to avail himself of the permission which I understand was granted the other day on the motion of the gentleman from Ohio [Mr. McKINLEY], that everybody be allowed to print what they pleased upon the tariff question; and my colleague will make no further remarks in the line in which he was speaking other than those which he has already made.

Mr. ALLEN, of Mississippi. Mr. Speaker, will the Speaker and the House hear a little statement from me?

Mr. BOUTELLE. I call for the regular order.

Mr. McKINLEY. I hope the gentleman from Mississippi will be permitted to make a statement, which I am sure will commend itself to the House; and I ask unanimous consent that he may be permitted to make it.

The SPEAKER. The gentleman from Mississippi has made the point of no quorum.

Mr. ENLOE. Mr. Speaker, would it be in order to notify the Postmaster that he may withdraw his resignation? I think that might be done.

Mr. McKINLEY. Mr. Speaker, I ask unanimous consent that the gentleman from Mississippi may be permitted to make a statement of a minute or two, and I think that that will probably settle this matter.

The SPEAKER. The Chair thinks that debate is not in order under the circumstances, but will submit the request.

Mr. McKINLEY. I ask that the gentleman from Mississippi may be permitted to speak for two minutes, and I hope there will be no objection.

The SPEAKER. The gentleman from Ohio asks unanimous consent that the gentleman from Mississippi may be permitted to speak for two minutes. Is there objection? The Chair hears none.

Mr. TRACEY. Mr. Speaker, I will not object, because the gentleman from Ohio makes the request, but I think I would have good reason to object otherwise.

Mr. ALLEN, of Mississippi. I did not understand the gentleman from New York.

A MEMBER. It does not relate to you.

Mr. ALLEN, of Mississippi. Mr. Speaker, to-day when I had closed the little speech I made, I asked unanimous consent to extend my remarks in the RECORD. I shall state now that what I proposed to print in addition to what I had said was not personal to anybody here, but was some remarks upon the tariff and appropriations. The gentleman from Iowa objected. That was all right.

Mr. KERR, of Iowa. Mr. Speaker—

Mr. ALLEN, of Mississippi. Let me make my statement.

The gentleman from Iowa objected. Then the gentleman from Ohio [Mr. MOREY] made a similar request to print remarks, and I objected to that unless I was permitted to do the same thing.

Now, when we had proceeded to that stage the gentleman from Iowa [Mr. KERR] got up and withdrew his objection to my printing some remarks and I got up—

Mr. KERR, of Iowa. Right here, if the gentleman will permit me, he stated to me on what subject he wanted to print.

Mr. ALLEN, of Mississippi. That is all right and proper.

Now, I got up after he did that and withdrew my objection to the request of the gentleman from Ohio [Mr. MOREY] for unanimous consent to print remarks. Now, the Speaker did not put that question then, but waited for some seven or eight minutes, and then put the question to the House to know whether or not there was objection to "the gentleman from Mississippi" printing his remarks, and the chairman of the national Republican Congressional committee turned up as objector; but the question was never put to the House again as to whether there was any further objection to the request of the gentleman from Ohio to print his remarks, and the record I understand now is, as I am informed by him, that he has permission, and it just shows the partisan manner in which this House is being run, and that the Speaker went out of the way to hunt up and get somebody to place the matter before the House again to see if there be renewed objection as to my printing remarks, but no such application was made to the gentleman from Ohio [Mr. MOREY].

I am willing for him to have permission, but I am not willing to sit here and be treated in that way. Now, I am one of the men who have not been self-assertive upon this floor, but I do not intend to be treated in that way, and that is what made me object to this matter. If I can have fair treatment I will withdraw my objection, and if I can not I will take my stand here till the next session commences or until a quorum is present.

The SPEAKER. The Chair desires to say to the House that the gentleman from Iowa [Mr. KERR] rose out of order while another matter was being discussed and made a statement which the Chair did not quite catch, but which he understood to be a withdrawal of his objection. Thereupon, after the matter was finished which was properly before the House, the Chair asked for unanimous consent for the gentleman from Mississippi to extend his remarks. It has not been customary to interrupt business that has been going on for that purpose; and the Chair followed the regular custom. As for the objection which was made, it was made without any knowledge of the Chair, and the Chair communicates that fact to the gentleman from Mississippi.

Mr. ALLEN, of Mississippi. But, Mr. Speaker, how was it unanimous consent was not put as to the gentleman from Ohio [Mr. MOREY]?

The SPEAKER. Simply because the Chair did not know that the gentleman from Ohio [Mr. OWENS] had withdrawn his objection.

Mr. ALLEN, of Mississippi. It was done at the same time, Mr. Speaker.

The SPEAKER. Objection was withdrawn to the request of the gentleman from Mississippi.

Mr. ALLEN, of Mississippi. And right in the same connection my objection was withdrawn.

The SPEAKER. That may be true, but it did not occur to the Chair.

Mr. ALLEN, of Mississippi. That is the trouble about it.

The SPEAKER. The Chair was anxious to give the gentleman from Mississippi the consent of the House, and presented the question to the House for that purpose, and this complicated the affair, which other gentlemen were involved in, and for a moment it escaped the attention of the Chair. As for the RECORD showing that the gentleman from Ohio had liberty to print, the Chair was entirely unaware of it until this very moment; and the Chair is now not aware of it except from the statement of the gentleman from Mississippi.

Mr. McKINLEY. Now, Mr. Speaker, I renew my motion to concur in the resolution, striking out "5" and inserting "6."

The SPEAKER. The motion is now pending.

Mr. WHEELER, of Alabama. Mr. Speaker, it seems to me that there is no necessity for almost unseemly haste in adopting the resolution. I believe it is generally understood that we are to adjourn at 6 o'clock. It certainly would be better to delay action which would make it imperative to adjourn at that moment until we hear that the President has examined all the numerous bills which have been sent to him to-day and yesterday. I can not see any purpose in the great hurry which is evinced by some members, all of whom, so far as I can observe, are on the Republican side of the Chamber.

The President ought not to be compelled to examine bills in a hurried manner. We ought to at least delay any action until some indication has come from him that he has completed the work which devolves upon him and has either signed all the bills which have passed Congress or determined after examination that his approval should be withheld. I know that a considerable number of bills have been enrolled and sent to the President which have not been returned. If we adopt a resolution to adjourn at 6 o'clock many meritorious bills may fall simply for lack of time. I have two bills, regarding the exact status of which I am anxious to get information.

The SPEAKER. The gentleman can learn regarding them from the Clerk.

Mr. WHEELER, of Alabama. I am endeavoring to do so, but I find

it is difficult to learn with certainty, and I only want sufficient delay to enable me to complete the investigation. The last message which came from the President has not been read to the House, and we do not know what bills were transmitted in that communication. There are members all around me who are desirous to know what bills accompanied the message, and it seems to me it ought to be laid before the House.

There has been a great deal said by the Republican majority about business. The Speaker has called this a "business" Congress, but I never in my life saw such anxiety on the part of members of this or any other parliamentary body to get away from business. [Applause and laughter.] I think it much the best, even if we are detained here a few hours, to finish up the session in a proper and business-like manner. I do not intend to raise the question of quorum, but I wish to learn something regarding bills for the relief of Uriah Bryant and Alex. Dutton.

The former bill has passed through every stage except receiving the President's signature, and I do not wish it to fail by being neglected. Mr. Bryant is an old soldier of the Florida war. The other bill had not passed the Senate when I last made inquiry, but it may have passed this afternoon, and if so, I wish to see that it is enrolled and signed. I understand the President has been and I believe is still in the Capitol engaged in examining and signing bills, and I do not think a Congress calling itself a business Congress ought to adjourn until members are satisfied that the President has signed all the bills to which he desires to affix his signature.

The SPEAKER. The Chair desires to say further, in reply to the remarks of the gentleman from Mississippi [Mr. ALLEN], that he finds in the manuscript of the proceedings of to-day, as furnished by the Reporters, this statement:

The SPEAKER. The gentleman from Ohio asks permission to extend his remarks in the RECORD upon this question. Is there objection?

Mr. OWENS, of Ohio. I shall have to object.

So it appears that objection was made by others than the gentleman from Ohio [Mr. MOREY].

Mr. RICHARDSON. Mr. Speaker, I want to make a suggestion. I know that the Chair would not mislead the House intentionally, yet I think he has done so inadvertently. I think the extract which the Chair has just read from the proceedings, where it states that the gentleman from Ohio [Mr. OWENS] objected, refers to the printing of the remarks of the other gentleman from Ohio [Mr. GROSVENOR].

The SPEAKER. Not at all; the gentleman is mistaken about that.

Mr. McKINLEY. I suggest that we settle this matter later. We have no time for it now.

Mr. ALLEN, of Mississippi. Mr. Speaker, pending the motion of the gentleman from Ohio [Mr. McKINLEY] I ask unanimous consent to extend my remarks in the RECORD on the tariff and appropriations.

Mr. McKINLEY. I hope there will be no objection to granting that request.

The SPEAKER. The gentleman from Mississippi asks unanimous consent to extend his remarks in the RECORD on the tariff and appropriations. Is there objection?

Mr. GROSVENOR. Mr. Speaker, I ask that that consent be made general.

Several MEMBERS. Oh, no.

The SPEAKER. Is there objection?

There was no objection.

The question was taken on the motion of Mr. McKINLEY to concur in the resolution with an amendment; and it was agreed to.

HOUSE POST-OFFICE INVESTIGATION.

Mr. SPOONER. Mr. Speaker, I think the time has expired which I yielded to the gentleman from Tennessee [Mr. ENLOE], and it seems to me that the discussion of this matter has been quite sufficient when taken with the report which is before the House. There was no difference of opinion in the committee concerning the action which should be taken, or as to what the evidence conclusively established as to the facts and circumstances of this case.

I had intended and expected to consume only a few moments myself in discussing the resolution—

Mr. ENLOE. Mr. Speaker, if the gentleman will permit me to interrupt him, I want to suggest that I have not quite concluded my remarks and I would like to have leave to extend them a little. I was on the floor and yielded to the gentleman from Ohio [Mr. McKINLEY] to make his motion. I ask leave now, before I quit the floor, to extend my remarks in the RECORD.

There was no objection.

Mr. SPOONER. Mr. Speaker, as I was observing, I had intended to consume but little time with any remarks upon this subject. The report made by the committee and read to the House concisely states the evidence applicable to the charges which were investigated, and in my opinion fairly states the presumptions which should be drawn from a fair consideration of that evidence. There was no disagreement among the members who attended the investigation and heard the testimony produced before the committee as to the main question submitted in the resolution.

The report very clearly and decidedly states the conclusions to which the committee arrived, and the recommendations of the committee are embodied in the resolution submitted for the consideration of the House. The only point upon which there was any difference of opinion was concerning the action of Mr. Dalton in connection with these mail contracts at the time when he was Postmaster of the House of Representatives, during the Forty-ninth and Fiftieth Congresses. No one upon the committee has assumed to say, nor does the report pretend to affirm, that any positive evidence shows that Mr. Dalton was in any way interested personally in the proceeds of the mail-carrying contracts for the House of Representatives during the two Congresses preceding this; but from the circumstances which are briefly summarized in the report itself, and which will be open to the examination of members as soon as the testimony has been printed, from certain relations, associations, and transactions between Mr. Dalton and Mr. Culbertson, who was his father-in-law and the contractor under him for the carrying of the mails, it seemed to the majority of the committee, as stated in the report, that there were reasons for entertaining very grave suspicions as to the existence of some personal pecuniary interest on the part of Mr. Dalton in those mail contracts.

Mr. HOLMAN. Will the gentleman permit me to interrupt him?

Mr. SPOONER. I want to say to the gentleman that in my action upon this committee of investigation, if I understand myself, my desire, my intention, was not to smirch any person, or to excite any unfounded suspicion against any person connected with the transactions under investigation, whether he belonged to the political party with which I am associated or not. Any question of politics has been far from my mind in this matter, and I believe has not influenced me in any way in my action in making this report. I have had no hesitation in stating what appeared from the testimony before the committee as to the conduct of the present Postmaster, and I have joined in the recommendation of a resolution which emphatically announces the opinion of the committee, in which opinion I participate, not only as to what the conduct of the present Postmaster of the House has been, but also as to how it should be treated by the House itself.

I can not, in justice to myself or to my own intelligence, permit myself to be varied from my judgment concerning this matter as it relates to the action of Mr. Dalton as Postmaster of the House, either because he is a Democrat or because he is not a Democrat, but it certainly did seem to me—it seemed to the majority of the committee, and I joined in that opinion—that where relations such as are disclosed by this evidence and summarized in the report of the committee were found to exist between the Postmaster of the House and the mail contractor under him, the Postmaster himself purchasing wagons and other property for use in carrying on the contract, loans or advances or interchanges of money and property taking place from one to the other, the fact that Mr. Culbertson was receiving \$1,800 per annum more through the successive years in which he was performing the work under Mr. Dalton than he agreed to do it for under the contract with Mr. Wheat—it did seem, I say, reasonable to suspect that the Postmaster had a personal interest.

In view of all these circumstances I ask, does any gentleman in this House who has been in the habit of considering and passing upon the weight of testimony venture to criticize the action of the committee which I am now representing because they said that, although no positive evidence has been given in the way of direct testimony to show that Mr. Dalton in any way profited by these mail contracts, yet from the circumstances summarized in the report it does seem that there is reason to suspect that some relation prevailed between the Postmaster of the House in the Forty-ninth and Fiftieth Congresses and the mail contractor under him by which the Postmaster himself was in some way personally benefited?

Now, I do not know that I desire to say anything further concerning the matter. It seems to me the report itself tells the whole story. I certainly do not wish to inject into this matter anything that may seem to have a political bearing or influence upon the issues raised and considered. I will now ask the previous question on the adoption of the resolution.

Mr. HOLMAN. Will not the gentleman allow me a question?

Mr. SPOONER. Certainly.

Mr. HOLMAN. During the progress of this investigation two facts have been mentioned as justifying the remarks made by the majority in their report in regard to Mr. Dalton. One is the fact that the contractor was the father-in-law of Mr. Dalton; the other is that some person who had sold either horses or wagons used in this service had made a charge of them against Mr. Dalton. Now is there anything except those facts that justifies the slightest suspicion—

Mr. SPOONER. The evidence is summarized in the report. It embraces, I might say to the gentleman, those matters and some others.

Mr. HOLMAN. Let me finish my sentence. Is there anything else than those two facts that justifies the slightest suspicion of Mr. Dalton having had any interest in the contract? And upon the sworn testimony of both the parties concerned, the House knowing the reputation of Mr. Dalton to be unsullied, is there anything to justify such an inference as is suggested by the committee?

Mr. SPOONER. Well, sir, I must say to the gentleman that I think there are other circumstances, two or three of which are in my recollection, in addition to those which have been referred to by the gentleman. For instance, just after the close of Mr. Dalton's term of office as Postmaster in the Fiftieth Congress, and just after Mr. Wheat took possession of this office, Mr. Dalton started off for Indiana, and at that time Mr. Culbertson turned over to him \$300.

Mr. HOLMAN. Does he not say—

Mr. SPOONER. He says he lent it to him.

Mr. HOLMAN. That is very different from "turning it over."

Mr. SPOONER. It is a peculiar fact, of course, that \$300 is just twice \$150, which, as Mr. Wheat testifies, Mr. Dalton told him was what Mr. Culbertson could afford to pay him per month out of the money that he received under the contract.

Mr. HOLMAN. And both Mr. Dalton and Mr. Culbertson testified that there was not a word of truth in that, did they not?

Mr. SPOONER. They did not deny the fact of the money being turned over.

Mr. HOLMAN. Was it not stated to have been a loan or payment, one or the other?

Mr. SPOONER. It was claimed to have been a loan.

Mr. HAYES. One claimed that it was a loan, and the other that it was a payment, the fact depending entirely upon the state of their accounts. There was no conflict between them as to the fact; the question simply was whether their accounts showed that this money was due or not.

Mr. SPOONER. There were also transactions in regard to the purchase or sale of property—

Mr. HOLMAN. But my friend remembers that, as the gentleman from Iowa [Mr. HAYES] has stated, it was very fully explained how that occurred; that is to say, the charge was made against Mr. Dalton without any acquiescence on his part, and without his having anything to do with it.

Mr. SPOONER. Oh, no; you are mistaken about that.

Mr. HOLMAN. That is the statement of the gentleman from Iowa.

Mr. SPOONER. Mr. Dalton, according to the testimony of Mr. Meeks, made the actual bargain and himself bought of Meeks five wagons which were used in this mail-carrying business. They were charged to Mr. Dalton; he paid for them; and before payment (which was delayed) credit was given. At one time he turned over a check which was made payable to Mr. Dalton himself, and which he indorsed over to Mr. Meeks. And within a very few weeks of the present time, as stated in the report, Mr. Culbertson made conveyance of certain lots of land out in Indiana to Mr. Dalton, receiving no money consideration therefor, it being considered that it was done with the understanding that it should be a settlement of their accounts on previous loans.

Mr. HAYES. Will the gentleman allow me to make a statement, partly in answer to the gentleman from Indiana [Mr. HOLMAN]? I will say to the gentleman there was no dispute on the part of Mr. Dalton of the fact that he did make purchases, but he claimed that he made them for Mr. Culbertson; and Mr. Meeks, in answer to questions as to why he charged these things to Mr. Dalton, said that he did it upon the assumption which I stated before, and not by reason of any request on the part of Mr. Dalton that he should do so, and without any knowledge on the part of Dalton.

Mr. SPOONER. I think, Mr. Speaker, that I will now call the previous question.

Mr. HOOKER. Will the gentleman allow me to ask him a question?

Mr. SPOONER. I yield a moment for a question.

Mr. HOOKER. The question I want to propound to the gentleman is whether this investigation was not ordered upon a resolution of this House, to which it was the duty of the committee to respond, and whether in going off on a collateral issue in reference to a former Postmaster we are not in danger of forgetting that the real question for the committee and the House to determine is whether the present Postmaster has been guilty as charged.

Mr. SPOONER. One of the resolutions under which the committee acted directed them to look into this matter as connected with the Forty-ninth and Fiftieth Congresses and make report upon it.

The SPEAKER. The question is upon the adoption of the resolution reported by the committee.

Mr. HOLMAN. I rise to a parliamentary inquiry—whether the vote is not exclusively on the resolution and not upon the report?

The SPEAKER. The Chair so stated; the question is on agreeing to the resolution.

The resolution reported by the committee was adopted.

Mr. SPOONER moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RESIGNATION OF A MEMBER.

The SPEAKER. The Chair lays before the House the following letter.

The Clerk read as follows:

WASHINGTON, D. C., September 27, 1890.

SIR: I beg leave to inform you that I have this day forwarded to the governor of Iowa my resignation as a member of Congress for the Seventh district of Iowa, to take effect October 3, 1890.

Very respectfully,

EDWIN S. CONGER.

HON. THOMAS B. REED,
Speaker United States House of Representatives.

The SPEAKER. The Chair desires to state that he has received a similar communication, differing as to date, from the gentleman from California [Mr. DE HAVEN], and asks permission to have it inserted in the RECORD, the letter having been temporarily mislaid.

There was no objection.

PRINTING OF TESTIMONY IN THE WHEAT INVESTIGATION.

Mr. HAYES. Now, Mr. Speaker, I send up to the desk a resolution in regard to printing the testimony in the late investigation.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

Resolved, That 5,000 copies of the majority and minority report and the testimony taken in the Wheat investigation be printed for the use of the House.

The SPEAKER. Is there objection to the consideration of the resolution?

Mr. KERR, of Iowa. I would like to ask again if the gentleman will not consent to include 5,000 copies of the Silcott investigation?

Mr. HAYES. If you will offer that I will not object to it. I object to incorporating it in this.

There being no objection, the resolution was adopted.

Mr. OWENS, of Ohio. I desire to withdraw the objection I made a few moments ago to the printing asked for by Mr. MOREY.

The SPEAKER. The Chair will recognize the gentleman for that hereafter.

CHINESE LABORERS FROM CANADA AND MEXICO.

Mr. MORROW. Mr. Speaker, I ask the present consideration of the concurrent resolution I send to the desk.

The Clerk read as follows:

Concurrent resolution requesting the President to negotiate with the Governments of Great Britain and Mexico with a view to securing treaty stipulations for the prevention of entry into the United States of Chinese laborers from the Dominion of Canada and Mexico.

Resolved by the Senate (the House of Representatives concurring), That the President, if in his opinion not incompatible with the public interests, be requested to enter into negotiations with the Governments of Great Britain and Mexico with a view to securing treaty stipulations with those Governments for the prevention of the entry of Chinese laborers from the Dominion of Canada and Mexico into the United States contrary to the laws of the United States.

There being no objection, the resolution was considered, and agreed to.

Mr. MORROW. I ask consent that the report be printed in the RECORD.

There was no objection.

The report (by Mr. MORROW) is as follows:

The Committee on Foreign Affairs, to whom was referred concurrent resolution requesting the President to negotiate with the Governments of Great Britain and Mexico with a view to securing treaty stipulations for the prevention of entry into the United States of Chinese laborers from the Dominion of Canada and Mexico, have considered the same and report that it appears from official communications on file in the Treasury Department that Chinese laborers are constantly seeking entrance into the United States across the frontier from Mexico and the Dominion of Canada in violation of the laws of the United States. The Secretary of the Treasury, in his last report, calls the attention of Congress to this subject in the following language:

"CHINESE EXCLUSION ACT.

"The existing laws for the exclusion of Chinese laborers from the United States have been vigorously enforced by the officers of the customs to the extent of their ability, but the extensive frontiers of the Union facilitate the clandestine introduction of such persons from the contiguous territory of British America and Mexico.

"It is alleged that evasions of the law in this regard are of a serious character. The Department is employing the limited means at command to prevent such evasions, but to police these frontiers in such a manner as to completely suppress the influx of prohibited immigration will require a much greater force than has been provided. The attention of Congress is invited to this subject."

It is believed that concurrent action on the part of Great Britain and Mexico may be obtained in the manner indicated in the resolution and this continent protected against the threatened invasion of Chinese laborers.

The committee recommend the passage of the resolution.

MESSAGE FROM THE PRESIDENT.

A message from the President, by Mr. PRUDEN, one of his secretaries, announced the approval of acts and joint resolutions of the following titles:

An act (H. R. 10265) to authorize the construction of a bridge across the Altamaha River;

An act (H. R. 10086) granting leaves of absence to clerks and employees in first and second class post-offices, and to employees of the Post-Office Department employed in the mail-bag repair shops connected with said Department;

Joint resolution (H. Res. 218) to allow the Postmaster-General to expend \$10,000 to test at small towns and villages the system of the free-delivery service, and for other purposes;

An act (H. R. 9416) to reduce the revenue and equalize duties on imports, and for other purposes;

An act (H. R. 7989) to promote the administration of justice in the Army;

An act (H. R. 12163) making an appropriation to supply a deficiency in the appropriation for compensation of members in the House of Representatives and Delegates from Territories;

An act (H. R. 11928) defining certain duties of the Sergeant-at-Arms of the House of Representatives;

An act (H. R. 12187) to set apart certain tracts of land in the State of California as forest reservations;

Joint resolution (H. Res. 214) extending the act fixing the rate of interest to be charged on arrearages of general and special taxes now due the District of Columbia, if paid within a time specified, to October 31, 1890;

An act (H. R. 789) opening to settlement a portion of the Fort Randall military reservation in South Dakota, and to dispose of the Sisseton military reservation;

An act (H. R. 6052) granting a pension to Martha A. Bowling;

An act (H. R. 6916) for the relief of Adeline Bly, widow of a soldier of the war of 1812;

An act (H. R. 9026) granting a pension to N. W. Leasure;

An act (H. R. 5206) granting a pension to Catlena Lyman;

An act (H. R. 4179) granting a pension to Nancy J. Dorlos;

An act (H. R. 9225) granting a pension to Theodore L. Alexander;

An act (H. R. 8088) granting a pension to Thelbert H. Head;

An act (H. R. 10810) granting a pension to Samuel S. Humphreys;

An act (H. R. 2428) granting a pension to Emily Onderdonk;

An act (H. R. 9736) granting an increase of pension to Lovey Aldrich;

An act (H. R. 5939) for the relief of settlers on the Northern Pacific Railroad indemnity lands;

An act (H. R. 2002) granting a pension to John C. Morrison;

An act (H. R. 3796) granting a pension to Abraham Zimmerman;

An act (H. R. 1117) granting a pension to Sarah E. Palmer;

An act (H. R. 10639) to amend section 2399 of the Revised Statutes of the United States;

An act (H. R. 11726) to increase the pension of Noah Bisbee, formerly private Company K, Eighty-ninth Regiment New York Volunteers;

An act (H. R. 11457) to increase the pension of Mary Y. Dewees;

An act (H. R. 4825) granting a pension to Arthur Connery;

An act (H. R. 7375) granting a pension to Mrs. Susan A. Dean;

An act (H. R. 5835) to increase the pension of Mrs. Maria B. Judah;

An act (H. R. 10985) granting a pension to Isaac N. Jacobs;

An act (H. R. 9245) granting a pension to Louis P. Noros, late of the Jeannette expedition to the Arctic Ocean;

An act (H. R. 8519) granting a pension to John Frohlin;

An act (H. R. 8700) granting a pension to Mira Baldwin;

An act (H. R. 2990) for the relief of J. L. Cain and others;

Joint resolution (H. Res. 169) authorizing the use of a portion of the United States military reservation at Chattanooga for a public park by the city of Chattanooga, Tenn.;

An act (H. R. 2420) granting a pension to Julia W. Freeman;

An act (H. R. 9565) granting an increase of pension to Joseph M. Wilson;

An act (H. R. 10398) for the relief of Mary A. Blaisdell;

An act (H. R. 9436) granting an increase of pension to E. T. Hanlon;

An act (H. R. 6148) granting a pension to Mrs. Mary J. Sanders, the widow of Thomas A. Sanders, who was a scout in the United States Army in the war of the rebellion;

An act (H. R. 4788) to grant a pension to Ann Roberts;

Joint resolution (H. Res. 104) to permit the Secretary of War to grant a revocable license to use a pier, as petitioned by vessel-owners of Chicago, Ill.;

An act (H. R. 7149) granting a pension to Hannah E. Winney;

An act (H. R. 11171) granting an increase of pension to Edwin Reeder, late a member of Company A, First Tennessee Infantry, in the war with Mexico;

An act (H. R. 10898) to increase the pension of Daniel P. Roberts, late a second lieutenant in Company F of the Third Regiment of Missouri Volunteers in the war with Mexico;

An act (H. R. 11650) granting a pension to Emily Fry;

An act (H. R. 10811) granting a pension to Asa Joiner;

An act (H. R. 6338) granting a pension to Eben Muse;

An act (H. R. 4258) increasing the pension of Francis Gilman; and

An act (H. R. 3169) for the relief of Alexander F. Dutton.

EXTRA PAY TO OFFICERS AND EMPLOYEES.

Mr. GROSVENOR. I ask for the present consideration of the following resolution.

The Clerk read as follows:

Joint resolution providing one month's extra pay to the officers and employees of the Senate and House of Representatives.

Be it resolved, etc., That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, a sum sufficient to enable the Secretary of the Senate and the Clerk of the House of Representatives to pay to the officers and employees of the Senate and House of Representatives borne on the annual and session rolls on the 1st day of October, 1890, including the Capitol police and Official Reporters, a sum equal to one month's pay at the rate of compensation now received by them, the same to be immediately available.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. OATES. I object.

ELECTION OF POSTMASTER.

Mr. CASWELL. Mr. Speaker, I wish to present a privileged matter, if it be the wish of members of the House. Several gentlemen have suggested to me that it would be the wish of the House to proceed to elect a Postmaster, and I offer this resolution under the advice and suggestion of a large number of members. If it is not consistent with the wishes of the House, I do not wish to press it.

Mr. VAUX. Is unanimous consent required for that?

The SPEAKER. The Chair thinks not. It is a privileged matter. The Clerk read as follows:

Resolved, That Rockwell J. Flint, of Wisconsin, be, and he is hereby, elected Postmaster of the House of Representatives.

Mr. WILLIAMS, of Ohio. I object to that.

Mr. CUTCHEON. I do not think that we ought to go into an election.

Mr. WILLIAMS, of Ohio. We do not want any election now. We want to inquire further into the matter.

Mr. CASWELL. Mr. Speaker, under the objections that are offered, I will withdraw the resolution.

ANNOUNCEMENT FROM THE PRESIDENT.

Mr. McKINLEY. I am directed by the committee appointed by the House to join a similar committee appointed on the part of the Senate to call upon the President, to report that they have performed that duty, and the President of the United States advises us that he has no further communication to make.

TURNER K. HACKMAN.

Mr. SPOONER. Mr. Speaker, I have two or three privileged reports from the Committee on Accounts which I think ought to be disposed of, and which I think will be unobjectionable.

The Clerk read as follows:

Resolved, That Turner K. Hackman be, and he is, continued in the service of the House as riding page during the recess between the first and second sessions of the Fifty-first Congress, to be paid out of the contingent fund of the House at the same rate of compensation that is now received by him.

The SPEAKER. The question is on agreeing to the resolution.

Mr. HOLMAN. Mr. Speaker, I wish to inquire the object of this.

Mr. SPOONER. I will simply say to the gentleman from Indiana that this has usually been done, and it is proper.

Mr. HOLMAN. Was this ever done before?

Mr. SPOONER. It is usually done.

Mr. HOLMAN. Was it done during the last Congress?

Mr. SPOONER. I think it was. I would not say positively.

Mr. HOLMAN. If it has been done heretofore, I have no objection. But I do not remember that it has been done.

Mr. VAUX. I object to the consideration of that resolution.

The SPEAKER. It is a privileged resolution.

The resolution was agreed to.

ASSISTANT JOURNAL CLERK.

Mr. SPOONER. The Committee on Accounts also submit the following.

The Clerk read as follows:

Resolved, That the Clerk be authorized to continue in employment after the adjournment of the present session, for such period as he may deem necessary, the assistant Journal clerk, and pay him out of the contingent fund of the House at the rate of compensation now paid him.

The resolution was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, their Secretary, announced that the Senate had agreed to the amendment of the House to the amendment of the Senate to the resolution fixing the hour of the adjournment of Congress.

ADDITIONAL LABORERS, HOUSE DOCUMENT-ROOM.

Mr. SPOONER. Mr. Speaker, I am directed by the Committee on Accounts to submit the following.

The Clerk read as follows:

Resolved, That the Doorkeeper of the House be, and he is hereby, authorized to employ two additional laborers in the document-room of the House during a period of three months after the passage of this resolution, to be paid a compensation at the rate of \$90 each per month out of the contingent fund of the House.

Mr. SPOONER. I move that the word "three," after the words "a period of," be stricken out, and that the word "two" be inserted; so that it will read, "during a period of two months after the passage of this resolution."

Mr. VAUX. Can I offer an amendment to that, Mr. Speaker?

The SPEAKER. The gentleman can offer an amendment, provided the amendment is germane.

Mr. VAUX. I do not know what is germane—

The SPEAKER (continuing). Provided the gentleman from Rhode Island (Mr. Spooner) yields the floor for that purpose.

Mr. SPOONER. I am afraid I can not consent.

Mr. VAUX. It is all right. Anything on the Democratic side is objected to.

The amendment was agreed to.

The resolution as amended was agreed to.

Mr. McKINLEY. I move that the House take a recess until five minutes to 6 o'clock.

Mr. MOREY. Pending that, Mr. Speaker, I desire to make a parliamentary inquiry. In the colloquy respecting leaves to extend remarks, I am not advised whether the leave was granted to me or not.

The SPEAKER. Leave was not granted to the gentleman from Ohio.

Mr. MOREY. Then I renew my request that that permission be given.

The SPEAKER. Does the gentleman from Ohio [Mr. OWENS] withdraw his objection?

Mr. OWENS, of Ohio. I withdraw my objection. I sought to do so awhile ago, but could not obtain recognition.

The SPEAKER. Is there further objection. [After a pause.] The Chair hears none.

FORT ELLIS MILITARY RESERVATION.

Mr. MOREY. Mr. Speaker, the first session of the Fifty-first Congress is rapidly drawing to a close. Soon its work will be done and be a part of the history of the country. The Republican party stands charged with great power and great responsibility. That it has wisely exercised that power and bravely and patriotically met and discharged its great responsibilities may safely be submitted to the candid and impartial judgment of the American people.

A government can exist only by the exercise of sovereign power, either by imperial decree, or by legislative action as in our country, and this action must be affirmative and potential. We must have revenues to support our Army and Navy, to sustain our courts, to pay our legislative and executive officers, to sustain and pay our consular and diplomatic representatives in foreign lands, to improve our rivers and harbors, to maintain the weather bureau and Signal Service, to support the Agricultural Department, and maintain experimental farms for the benefit of our great agricultural interests, to support our magnificent postal service, reaching out from the great heart of the nation at Washington to the humblest and remotest home in the land, and, last but not least, the pensions to our veteran soldiers, and to the widows and orphans and dependent parents of those who have answered their last roll-call on earth and gone to the other shore.

These are all patriotic purposes, and for any party in power not to perform them is to repudiate the highest obligation resting upon the Government and the people. These revenues can only be provided permanently by taxation.

Temporary relief may be had by borrowing, but this is the expedient of incompetency to manage great public affairs, and is too like the policy of the Democratic party, which, under Buchanan, brought our great Government a beggar and a mendicant, without money and without credit, to the threshold of the Administration of Abraham Lincoln.

From that day to this the Republican party, with short intervals, has been charged with the responsibility of directing the great affairs and guiding the ship of state in the perils of war and the crises of peace.

Under its wise and beneficent rule our country has made progress unexampled in the history of nations.

Our country, then rent asunder by hostile factions and contending armies, is now reunited, and our flag floats proudly over the grandest republic on earth, the bright and beautiful starry emblem of a nation whose free air no slave can longer breathe and where every citizen is equal before the law.

We have grown to be the greatest agricultural people in the world, as we are the greatest in manufactures. The scepter has passed from the hand of England and has been grasped by the hand of the young giant of the West, and to-day our country is the foremost in the world. These results have not happened as mere accidents, as matters of chance, but have been the results of a well-defined policy governing and controlling the action of the Republican party during its great career.

The great war for the Union made unexampled demands upon the men, the resources, and the Treasury of our country.

Our young men, just springing into glorious manhood, were withdrawn from the peaceful pursuits of life and molded into heroic form in the heat and stress of that great conflict. Our resources were consumed in the immense demand for food and equipment of our mighty armies. All forms of taxation combined proved inadequate to meet the tremendous demands upon our Treasury in its great distress.

Customs duties were laid on every conceivable article imported into our country from abroad; a tax was laid upon incomes, on occupations, on checks, deeds, and all forms of contracts, on manufacturers of and dealers in whisky, beer, wine, and tobacco, until our revenues from these sources reached the enormous sum of \$600,000,000 per year, and still this immense revenue was not sufficient to meet the cost of that great war.

The greenback currency was issued, and went forth as a benefaction

of the Government to bless and cheer our soldiers at the front and their families at home.

The bonds of the Government were issued and a burden of debt placed on succeeding generations to raise sufficient revenues to meet the requirements of this supreme emergency in the nation's life. The end of the war came at last, after long years of bloody strife; it came through the perils of the march and of battle, through agonizing wounds and death, through fathers' anguish and mothers' tears, but it came gloriously, and brought a country redeemed, reunited, and a lasting peace. It left us some precious and costly legacies.

It left us a race of men whose bondage was the potential cause of all our woes. We raised them up and made them citizens of the great Republic, and all men equal before the law.

It left us the heroes of the war who were maimed in battle or disabled by disease, and the widows and orphans of those who died on the field of honor and glory.

We redeemed the promise of Abraham Lincoln, that great hero, raised up from the body of the people to be the Chief Magistrate of the greatest nation on earth, and "cared for him who has borne the battle, and for his widow and his orphan."

We have always redeemed our promises to the people, and it is the glory of this grand old party that it has no unbroken pledges. It has met and maintained the right side of every great issue during its long and patriotic career, and its history is written in the great deeds and great measures in the grandest period of our nation's life. The close of the war brought relief to our overburdened Treasury, and it became the duty of Congress to reduce taxation and take off the burdens of the people as rapidly as it could be done, and secure the needed revenues of the Government. The Republican party met this demand with the same courage and capacity with which it has met and discharged every public duty thrust upon it. It has been the policy of the Republican party to reduce taxation and to lighten the burdens of the people. To assert otherwise is a shameless perversion of history and a willful distortion of the facts.

This class of legislation can originate only in the House of Representatives.

The Republicans have had control of this body since the war twelve years, and have reduced taxation \$362,504,563. The Democratic party have had control of this body the other twelve years since the war, and have reduced taxation only \$6,368,935.

Such is the record of these two great parties on this important question. But, sir, these great questions are never settled. With the growth of our great population the needs of the Government and the demands of the hour are ever changing.

The ebb and flow of the tides of prosperity and depression among the people in their restless and ceaseless activity are ever throwing to the surface new questions and new issues for consideration and settlement. In the last national campaign the Republican party, appealing to its past history as an earnest of the future, went before the country pledged to legislate for America, for the prosperity of all our people, and the glory of our common country. It promised to revise the tariff and to continue its policy of reducing taxation. It has fulfilled that pledge by the enactment of a tariff law on the lines of protection and greatly enlarging the free-list.

In doing this it has sought to place the tariff duties where they will rest most lightly on the people and diversify our industries. Articles of import, except luxuries, which are not produced in our own country, and which are commonly consumed by the great body of the people, have been placed on the free-list; and articles which are produced in foreign nations by foreign labor and are brought here to compete with domestic manufactures and American labor are discriminated against in this laying of tariff duties.

In this way we have greatly enlarged the free-list, largely increasing it over the Mills bill, which is the latest Democratic utterance and which to-day is the Democratic text on this important question.

We have placed sugar on the free-list, as we placed coffee there and tea three years ago.

Pursuing the protective policy, the bill retains duties on foreign goods competing with our own, lowering them in some cases, raising them in others, as the condition of such industry seemed to require, with the patriotic view of promoting to their best extent all the industries, agricultural, manufacturing, and commercial, making an aggregate reduction of about \$80,000,000 in taxation, which, added to the \$362,000,000 reduction heretofore made since the war, makes a total reduction of taxation of \$442,000,000 per annum by the Republican party.

Our friends on the other side, in the early days of this Congress, filled its Halls with loud lamentations for the poor farmer. And you would have believed from what they said that the farmers are the veriest beggars in the land. But since all farm products have advanced under Republican legislation, and their exaggerated stories about farm mortgages have been exploded, they have had little to say of the poor farmer in the later days of the session.

When these Democratic lamentations were going up I had occasion on this floor to say:

The farmers are patriotic in their demands for legislation; they have sent a

legislative committee here to represent them before the committees of this House and to bring to the attention of this body such legislation as they believe is for the best interests, not only of the farmers, but of the whole country. They recognize that their prosperity, like that of every other honest industry, depends upon the prosperity of the whole country. They know that no industry can suffer without injuriously affecting in time other industries. They have sent here intelligent and patriotic men, identified with their interests, who seek to place agriculture where it so justly belongs, as the keystone in the great arch of American achievements.

I prefer, sir, to hear what these representatives of the American farmer have to say, rather than listen to the words of the gentlemen from Missouri, Arkansas, Texas, and Mississippi, who have assumed to act as their special champions.

The American farmers do not seek to tear down, but to build up. Their views are broad and patriotic and furnish an example which might be followed with profit by many who have assumed to speak in their name on this floor.

The National Grange of the Patrons of Husbandry at its twenty-third session made the following recommendation, which shows that the patriotism of the farmer is as broad as our whole country and that he has a true conception of what is required to preserve the commercial supremacy of our great nation:

"We recommend a judicious protective policy of government that will build up a commercial marine, that will give this nation the commercial supremacy that belongs to it; so that our country, while it is the first in agriculture, the first in manufactures, may also be the first in commerce."

"These three great pillars of the nation's glory stand together in a group; in the language of Daniel Webster, 'the largest in the center, and that is agriculture.'"

This committee was heard, and its every recommendation has been substantially, if not literally, complied with.

In 1889 there were imported into the United States \$65,232,519 worth of agricultural products, thus depriving our American farmers of their home market to that extent. The American farmer is entitled to direct protection against the continuance of their importation.

This is done in the McKinley bill, as will appear from the following table:

Articles.	Imported 1889.	Late duty.	McKinley bill.
Horses and mules.....	\$2,146,514.59	20 per cent	\$30 per head.*
Cattle	542,764.71	20 per cent	Over one year, \$10 per head. Under one year, \$2 per head.
Hogs	4,770.80	20 per cent	\$1.50 per head.
Sheep.....	1,189,192.38	20 per cent	\$1.50 per head.
Barley	7,678,763.58	10 cts. per bush.	30 cts. per bush.
Buckwheat	25,469.85	10 per cent	15 cts. per bush.
Oats	10,178.19	10 cts. per bush.	15 cts. per bush.
Oatmeal.....	55,966.00	4 cts. per lb.	1 cent per lb.
Butter	17,699.41	4 cts. per lb.	6 cts. per lb.
Cheese.....	1,132,143.28	4 cts. per lb.	6 cts. per lb.
Milk.....	5,684.87	10 per cent	5 cts. per gal.
Beans.....	759,802.28	10 per cent	40 cts. per bush.
Beans, peas, and mushrooms, prepared or preserved.	No data	35 per cent	40 per cent.
Peas.....			
Green or dried.....	Included with beans.	10 per cent	40 cts. per bush.
Split.....	52,738.00	20 per cent	50 cts. per bush.
In papers, cartons, or packages.		Not provided for.	1 ct. per lb.
Cabbages.....	No data	10 per cent	3 cts. each.
Eggs.....	2,419,004.37	Free.....	5 cts. per dozen.
Hay.....	1,082,685.50	\$2 per ton	\$4 per ton.
Hops.....	1,100,408.00	8 cents per lb.	15 cts. per lb.
Onions.....	No data	10 per cent	40 cts. per bush.
Plants, trees, shrubs, etc.	323,782.82	Free.....	50 per cent.
Potatoes.....	321,150.25	15 cts. per bush.	25 cts. per bush.
Garden seeds, agricultural seeds, etc.	187,448.69	20 per cent	40 per cent.
Vegetables.....			
Prepared or preserved.	389,512.42	30 per cent	45 per cent.
Pickles and sauces.....	334,920.71	35 per cent	45 per cent.
In their natural state.....	437,377.37	10 per cent	25 per cent.
Straw.....	28,921.00	Free.....	30 per cent.
Apples.....			
Green or ripe	No data	Free.....	25 cts. per bush.
Dried or prepared in any manner.	No data	Free.....	2 cts. per lb.
Bacon and hams.....	43,899.51	2 cts. per lb.	5 cts. per lb.
Beef, mutton, and pork	14,393.09	1 ct. per lb.	2 cts. per lb.
Poultry			
Live	151,866.26	10 cts. per lb.	3 cts. per lb.
Dressed		10 cts. per lb.	5 cts. per lb.
Flaxseed or linseed, poppy-seed and other oil seeds.	3,969,640.00	20 cts. per lb.	30 cts. per bush.
Leaf-tobacco for cigar-wrappers;			
Not stemmed	1,417,302.40	75 cts. per lb.	\$2 per lb.
Stemmed		\$1 per lb.	\$2.75 per lb.
All other tobacco in leaf:			
Not stemmed	8,136,091.34	35 cts. per lb.	35 cts. per lb.
Stemmed	476,679.25	40 cts. per lb.	50 cts. per lb.
Cigars, cigarettes, cheroots, of all kinds.	3,637,316.02	\$2.50 per lb. and 25 per cent.	\$4.50 per lb. and 25 per cent.

* Provided that horses valued at over \$150 shall pay an ad valorem duty of 30 per cent.

The question of binder-twine was much considered, and with great solicitude, with a view of furnishing to the farmer the greatest possible relief without crippling a great industry, affording employment to thousands of American laborers. The legislative committee of the National Grange, in a memorial to Congress dated April 24, 1890, say:

The farmers will welcome the removal of duties from jute, jute butts, manila,

and sisal-grass (not grown by American farmers), with the reduction from 2½ to 1½ cents per pound on binder-twine. They will also be pleased to have tree sugar. The sugar industry has been protected for many years without materially increasing home production and thereby reducing prices. A removal of the duty is expected to reduce the cost to the consumer, whilst the bounty gives direct encouragement to home production. This is an experiment which may not prove satisfactory in its practical workings, but we are confident that it is one which a large majority of our people wish to see tried.

There are imported into this country many agricultural products which crowd and depress the markets in which we sell our produce because there are no duties or because the duties are too low to protect. In view of the fact that it is proposed to protect fully other interests, we insist on duties upon such imported products as will afford full protection to the American producer of like commodities.

The McKinley bill reduced the duty on binder-twine to 1½ cents, even less than the farmers' representatives asked for, and in conference committee it was fixed at a still lower rate, seven-tenths of 1 cent per pound.

The manufacturers earnestly claim that they can not successfully compete with twine made by foreign cheap labor with these low rates of duty and maintain the difference in wages that they are compelled to pay. The result was one of compromise in a desire to arrive at as just a conclusion as human experience would admit. The desirability of maintaining these great twine factories and their value to the country are recognized by all. I desire here to introduce a letter from an old farmer friend and constituent as bearing not only on this subject, but as well on the principle of protection itself.

LEMON, BUTLER COUNTY, OHIO, May 1, 1890.

DEAR SIR: Yours of the 29th of April is received. I do not wish to intrude too much on your time. The hemp industry in this country up to this time has been confined to a few States—Kentucky, Missouri, Illinois, and New York—and it was because of the tedious and laborious process of cutting by hand and hand-breaking, which, on account of the expense of such process, has kept the farmers from engaging in it.

But now the cutting can be done by horse-power, and the braking by steam or horse power, and can be done speedily and a great deal better than by the old process.

Now, in the beginning of this new industry if we can have a sufficient protection in the form of a duty placed upon all foreign imports of fibrous materials that come in competition with hemp, either raw or manufactured, we could in a very few years be able to supply all the demand in this country for such material, and perhaps be able to send some to our friends in the old country.

As to its comparative value with other fibrous materials it certainly has no superior.

We are spending about thirty million—perhaps more—dollars annually for fiber and fibrous materials which we could produce at home. Give us protection and it will build up a great industry for the farmer.

Yours respectfully,

JOB MULFORD.

Hon. H. L. MOREY.

These are the words of a practical farmer, a man of brains and experience, whom I am proud to have as my personal friend.

We promised to restore silver to its money uses, and we have kept that pledge. The value of silver has appreciated, and as silver went up in value the products of the farm at once began to bring the farmer a better recompense for his toil.

We passed the anti-lottery bill and made all lottery matter contraband in the mails of the United States, and struck a death-blow to the most gigantic swindle ever perpetrated on any people.

We have increased the endowment of agricultural colleges, and have sought in this way to bring the sources of information close to the people.

In the interest of agriculture we have provided for the inspection of meat for exportation, so as to send this most valuable product of the farm into the markets of the world with the brand of the great Republic upon it, attesting its purity and wholesomeness. We have also prohibited the importation of adulterated food to compete with the pure and genuine products of our soil. We have added two new stars to our flag, and sought to extend our commerce on the seas. We have cared for all the disabled soldiers of the war, whatever the cause of their disability, and for the widows and minor children of those who are dead. And the result of the whole matter was the Morrill bill, which, whatever criticism of it may be justly made, is the grandest pension bill ever passed by any legislative body.

I insert here a copy of the bill:

[PUBLIC—No. 181.]

An act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in considering the pension claims of dependent parents, the fact of the soldier's death by reason of any wound, injury, casualty, or disease which, under the conditions and limitations of existing laws, would have entitled him to an invalid pension, and the fact that the soldier left no widow or minor children having been shown as required by law, it shall be necessary only to show by competent and sufficient evidence that such parent or parents are without other present means of support than their own manual labor or the contributions of others not legally bound for their support: *Provided*, That all pensions allowed to dependent parents under this act shall commence from the date of the filing of the application hereunder and shall continue no longer than the existence of the dependence.

SEC. 2. That all persons who served ninety days or more in the military or naval service of the United States during the late war of the rebellion and who have been honorably discharged therefrom, and who are now or who may hereafter be suffering from a mental or physical disability of a permanent character, not the result of their own vicious habits, which incapacitates them from the performance of manual labor in such a degree as to render them unable to earn a support, shall, upon making due proof of the fact according to such rules and regulations as the Secretary of the Interior may provide, be placed upon the list of invalid pensioners of the United States, and be entitled to receive a pension not exceeding \$12 per month, and not less than \$6 per month, proportioned

to the degree of inability to earn a support; and such pension shall commence from the date of the filing of the application in the Pension Office, after the passage of this act, upon proof that the disability then existed, and shall continue during the existence of the same: *Provided*, That persons who are now receiving pensions under existing laws, or whose claims are pending in the Pension Office, may, by application to the Commissioner of Pensions, in such form as he may prescribe, showing themselves entitled thereto, receive the benefits of this act; and nothing herein contained shall be so construed as to prevent any pensioner thereunder from prosecuting his claim and receiving his pension under any other general or special act: *Provided, however*, That no person shall receive more than one pension for the same period: *And provided further*, That rank in the service shall not be considered in applications filed under this act.

SEC. 3. That if any officer or enlisted man who served ninety days or more in the Army or Navy of the United States during the late war of the rebellion, and who was honorably discharged, has died, or shall hereafter die, leaving a widow without other means of support than her daily labor, or minor children under the age of sixteen years, such widow shall, upon due proof of her husband's death, without proving his death to be the result of his army service, be placed on the pension-roll from the date of the application therefor under this act, at the rate of \$8 per month during her widowhood, and shall also be paid \$2 per month for each child of such officer or enlisted man under sixteen years of age, and in case of the death or remarriage of the widow, leaving a child or children of such officer or enlisted man under the age of sixteen years, such pension shall be paid such child or children until the age of sixteen: *Provided*, That in case a minor child is insane, idiotic, or otherwise permanently helpless, the pension shall continue during the life of said child, or during the period of such disability, and this proviso shall apply to all pensions heretofore granted or hereafter to be granted under this or any former statute, and such pensions shall commence from the date of application therefor after the passage of this act: *And provided further*, That said widow shall have married said soldier prior to the passage of this act.

SEC. 4. That no agent, attorney, or other person engaged in preparing, presenting, or prosecuting any claim under the provisions of this act shall, directly or indirectly, contract for, demand, receive, or retain for such services in preparing, presenting, or prosecuting such claim a sum greater than \$10, which sum shall be payable only upon the order of the Commissioner of Pensions, by the pension agent making payment of the pension allowed, and any person who shall violate any of the provisions of this section or who shall wrongfully withhold from a pensioner or claimant the whole or any part of a pension or claim allowed or due such pensioner or claimant under this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall, for each and every such offense, be fined not exceeding \$500, or be imprisoned at hard labor not exceeding two years, or both, in the discretion of the court.

Approved, June 27, 1890.

I also insert here the rules and regulations governing applications under this law:

RULES AND REGULATIONS.

All pensions under this act will commence from the date of filing the formal application (after the passage of the act) in the Pension Bureau.

No application for pension under this act will be good unless filed in the Pension Bureau on or after June 27, 1890 (date of the act), or if not in the form, substantially, prescribed by the Secretary.

Discharge certificate need not be filed until called for.

The rates of this law are not affected by the rank of the soldier.

This act provides the following rates: For dependent father or mother, \$12. The widow, \$8, and \$2 additional for each child of soldier under sixteen years; and if the widow dies, the child or children can draw such pension. The soldier is entitled to any rate from \$6 to \$12, according to inability to earn a support.

A pensioner under existing laws may apply under this one, or a pensioner under this one may apply under other laws, but can draw only one pension at the same time.

This law requires in a soldier's case:

1. An honorable discharge.
2. That he served at least ninety days.
3. A permanent physical or mental inability to earn a support, but not due to vicious habits. (It need not have originated in the service.)

In case of a widow:

1. That the soldier served at least ninety days.
2. That he was honorably discharged.
3. Proof of death, but it need not have been the result of his army service.
4. That the widow is "without other means of support than her daily labor."
5. That she married soldier prior to June 27, 1890, date of the act.

In dependent parents' case:

1. That the soldier died of a wound, injury, or disease which under prior laws would have given him a pension.
2. That he left no wife or minor child.
3. That mother or father is at present dependent on her or on his own manual labor, being "without other present means of support than their own manual labor or the contributions of others not legally bound for their support." The benefits of the first section of the act of June 27, 1890, are not confined to the parents of those who served in the war of the rebellion, but are extended to all parents where pensionable dependence has arisen on account of the death of a son who served, since said war, in behalf of the United States.

4. That in case a minor child is insane, idiotic, or otherwise permanently helpless, the pension shall continue during the life of said child, or during the period of such disability, and this proviso shall apply to all pensions heretofore granted or hereafter to be granted under this or any former statute, and such pensions shall commence from the date of application therefor after the passage of this act.

The rules and regulations of the Department will govern all applicants and attorneys.

No contract for attorney's fee shall provide for a sum greater than \$10, but, in the absence of a contract, the attorney's fee shall be \$10.

GREEN B. RAUM,
Commissioner of Pensions.

The foregoing rules and regulations, with the forms here following, are adopted and approved.

JOHN W. NOBLE,
Secretary of the Interior.

Mr. Speaker, this is a grand fulfillment of the pledge of the Republican party. It will bring relief to half a million of our old comrades, and comfort and good cheer to tens of thousands of hearth-stones. Speed the day when these benefactions will reach the objects of the nation's justice. I have had many inquiries from old soldiers in reference to application under this law, and in order to secure desired information for these claimants, and perhaps help them in some way, I addressed the following letter to the Commissioner of Pensions:

HOUSE OF REPRESENTATIVES OF THE UNITED STATES,

Washington, D. C., September 30, 1890.

SIR: I have received many inquiries from our old comrades in reference to

applications for pension under the recent act of June 27, 1890. They desire to know whether they will receive formal notice of the filing of their claims and when they may expect such notice, and whether testimony filed in old cases can be used in new cases filed by the same claimant; and whether in such a case the new application will be given a new number, or whether it will be consolidated with the old case and take the old number. I know that you are classifying and systematizing the work so that all these cases can be acted upon and disposed of as the earliest possible moment without unduly advancing or delaying any case, but I share the natural desire of applicants for information on these important points to them.

And I will thank you to give me such information touching these matters as may seem proper to you; and I will take great pleasure in extending such information as widely as possible.

Very truly yours,

Hon. GREEN B. RAUM,
Commissioner of Pensions.

H. L. MOREY.

To which I received the following answer:

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS, OFFICE OF THE COMMISSIONER,
Washington, D. C., October 3, 1890.

DEAR SIR: I acknowledge the receipt of your letter of the 30th ultimo, making inquiry in regard to the proceedings under the recent pension law of June 27, 1890, and the progress of the work of the office with the claims filed.

In reply I beg to inform you that to September 30, 1890, there were received in the office 466,282 of these claims. The date of their receipt at the office is stamped upon each claim and they are taken up in the record division in the order of the date of their receipt. We are now handling 10,000 cases a day, examining them as to whether they relate to pending claims, giving them the proper number, and acknowledging their receipt.

You will realize the fact that it is impossible to take this great mass of claims up at once. Consequently those who have filed claims must exercise some degree of patience in regard to receiving an acknowledgment of them and in regard to their adjudication. We have commenced the examination of this class of claims in the adjudicating divisions, and I propose to handle them just as rapidly as it is possible to handle them with the force of the office. There will soon be an increase of six hundred persons to the working force of the office, which will add materially to the progress of the business.

I hand you herewith a copy of the regulations issued on the 26th of September to give all claimants a full understanding of the manner in which the business of the office will be conducted in connection with this class of claims.

Very respectfully,

GREEN B. RAUM, Commissioner.

Hon. H. L. MOREY,
House of Representatives, Washington, D. C.

The following are the regulations referred to.

[Order No. 162.]

DEPARTMENT OF THE INTERIOR, BUREAU OF PENSIONS,
Washington, D. C., September 26, 1890.

For the purpose of securing the prompt adjudication of claims filed under the act of June 27, 1890, it is ordered as follows:

1. That in all original invalid claims where the claimant under the act of June 27, 1890, has a claim under previous laws granting pensions for service in the Army or Navy of the United States during the late war of the rebellion, whether upon the pending or rejected files, the proofs in that claim shall be considered in connection with the new claim; and where the proofs in the old claim and a medical examination had within two years previous to the filing of the new claim establish the facts of an honorable discharge after ninety days' service and of the existence of a disability of a permanent character not the result of vicious habits, and which incapacitates the claimant from the performance of manual labor in such a degree as to render him unable to earn a support, the new claim shall be adjudicated upon the proofs on file.

But in all cases where the new declaration claims for disabilities which are not set forth in the original claim a medical examination shall be ordered where the interests of the claimant seem to require it, or where such examination is requested by the claimant.

2. That in all original widows' cases when the claimant under the act of June 27, 1890, has a claim filed under previous laws, whether upon the pending or rejected files, the proof in that claim shall be considered in connection with the new application. The points necessary to establish are the following:

1. An honorable discharge of a soldier after ninety days' service.
2. The death of the soldier.
3. The marriage of the claimant with the deceased soldier prior to June 27, 1890.
4. The names and dates of the births of any surviving children of the soldier under sixteen years of age.
5. That the claimant has not remarried.

Upon consideration of the claim, if the evidence is found to be insufficient, a call will be made upon the claimant for all the evidence necessary to complete the claim. Claimants should supply such evidence as they may know to be wanting in advance of any call for the same.

3. In claims under the act of June 27, 1890, where a claimant applies for a pension under said act for a disability of a permanent character for which he is already pensioned at a rate not less than \$12 per month under the laws granting pensions to soldiers or sailors of the United States who served during the war of the rebellion, and it shall appear from the proofs on file that he served for ninety days and was honorably discharged, a medical examination shall be ordered to determine to what degree his disabilities incapacitate the claimant from earning a support by manual labor, and the claim shall be adjudicated thereupon.

4. In claims filed under the act of June 27, 1890, where it appears that the claimant is a pensioner at a less rate than \$12 per month under previous laws granting pensions to soldiers or sailors of the United States who served during the war of the rebellion, the evidence filed in his admitted claim shall be considered in connection with his new claim, and if it shall appear from the declaration and proof on file and a medical examination had within two years previous to the filing of the new claim that the soldier is suffering from disabilities for which he is not pensioned, and that his disabilities are of a permanent character which incapacitate him from earning a support by manual labor, and are not the result of his own vicious habits, the claim shall be adjudicated upon the proofs on file, unless a new medical examination shall be deemed necessary or is requested by the claimant.

5. In claims filed under the act of June 27, 1890, where the claimant has not applied for a pension under any other act, the proof required to establish a claim will be:

1. Proof of service of ninety days or more in the military or naval service of the United States during the late war of the rebellion, and an honorable discharge therefrom.
2. Proof that the claimant is suffering from a mental or a physical disability of a permanent character, not the result of his own vicious habits, which incapacitates him from the performance of manual labor in such a degree as to render him unable to earn a support.

tates him from the performance of manual labor in such a degree as to render him unable to earn a support.

Medical evidence and the sworn statements of neighbors will be conclusive upon the question of disability, but a medical examination will be required to determine the degree of disability of the claimant. An order for examination in such cases will be made as soon as the claim is reached in its order.

The facts of service and honorable discharge in all claims under act of June 27, 1890, must be shown by reports from the records of the War Department, which will be called for by the Pension Office.

6. The cases of dependent parents under the act of June 27, 1890, require proof that the soldier's death was due to his service without reference to the length of such service, that he left no widow or minor children, and that such parent or parents are without present means of support than their own manual labor or the contributions of others not legally bound for their support.

Claims filed under the act of June 27, 1890, shall be taken up for adjudication in their regular order, and all necessary action had so that shall be disposed of without delay.

Approved:

GREEN B. RAUM, Commissioner.

JOHN W. NOBLE,
Secretary of the Interior.

From all which it will appear that a systematic and efficient course is being pursued by the Commissioner, and that in a very short time these claims will be fully classified and acted upon and the touch of this great Government will rest in benefaction of hundreds of thousands of those who gave all they had to give in the hour of the nation's peril.

We are taunted by the other side for our great expenditure of money for pensions and other purposes, as though this great and wealthy nation should higgie and bargain when it comes to deal with the heroic men who made it possible for the nation to live.

This is consistent with the course of the Democratic party in pension legislation. We have only to produce the record that those who run may read.

Tabulated statement of votes on pension bills, Forty-sixth to Fifty-first Congress.

Name of bill.	Democrats for.	Democrats against.	Republicans for.	Republicans against.
Repeal of arrears limitation, Forty-sixth Congress.....	48	61	116	0
Mexican pension bill, with Senate amendments, Forty-eighth Congress, first session.....	39	84	87	0
Mexican pension bill, with Senate amendments, Forty-eighth Congress, second session.....	57	84	72	1
Widows' increase, Forty-ninth Congress.....	90	66	118	0
"Senate bill, 1896," Forty-ninth Congress (never reported back in the House).....	7	14	27	0
Dependent pension bill, Forty-ninth Congress.....	66	76	114	0
Dependent pension bill, Forty-ninth Congress (to pass over President's veto).....	37	125	138	0
On all the bills (aggregate).....	334	510	572	1

In tabulated form the votes upon pension legislation in the first session of the Fifty-first Congress have been as follows:

Name of bill.	Date of vote.	Republicans for.	Republicans against.	Democrats for.	Democrats against.
To increase totally helpless.....	Feb. 21, 1890	(*)	(*)	(*)	(*)
Dependent parents (Senate).....	Mar. 31, 1890	32	0	10	12
Morrill (62-year) bill (House).....	Apr. 7, 1890	136	1	84	86
Morrill bill—Cheadle (60 years) amendment.....	Apr. 30, 1890	143	0	40	71
Morrill (60 years) bill.....	Apr. 30, 1890	141	0	38	71
Conference report (House) (now law).....	June 11, 1890	117	0	28	56
Conference report (Senate).....	June 23, 1890	31	0	3	18
Prisoners-of-war bill (House).....	Apr. 21, 1890	119	0	24	78
Total votes on the several bills.....		719	1	177	392

* No division.

Who that sees the foregoing summary of votes can doubt as to the real feeling toward the old soldiers of those who cast these votes and what old soldier knowing these facts can hesitate whether he shall continue to fight under the banner of that grand old party which led him to victory and glory, and which has cared for him in his old age—that grand old party which guided the ship of state on the tempestuous sea of the great civil war, which guided her in all the grave crises of the period following the war, and preserved her financial honor and promoted all the great industries of the country, and which, although denounced by the reactionary and revolutionary Democracy, is still the same grand old party, still true to the flag?

We have sought by appropriate legislation to make better the condition of all who labor on the farm, in the shop, or in the mine. My earnest prayer, as my belief, is that the wisdom and patriotism of the Republican party will guide and lift into position of highest prosperity and

usefulness the people of our country. The Republican party looks upward and to the future. From time to time the policy of enlarging our commercial relations with the American Republics has engaged the attention of Republican Administrations.

We have become emancipated from the commercial servitude in which England held the colonies, and for many years the States, and to-day our manufactures and mines and forests and farms can supply all our needs. We have had a busy century of national life, and the last quarter of it, when the Republican party was charged with the great responsibility, has been filled with the greatest events ever crowded into the history of any nation in a like period.

The time is opportune to renew our efforts to enlarge the avenues of commerce between the nations of the New World. The various American nations have recently closed a congress held in the city of Washington under the auspices of President Harrison and Secretary Blaine whose work will have a beneficial effect in creating a more sympathetic feeling among the people of all these nations.

On June 19, 1890, President Harrison, in a message to Congress, called attention to this important question.

We are large importers of goods from the South American states, and a very large per cent. of these importations are admitted free of duty on the policy of admitting free articles of consumption, such as tea, coffee, etc. Now, it is proposed to put sugar on the free-list as an article of universal consumption by the people.

The President wisely suggests, as does the Secretary of State, that these states, in consideration of our admitting their products free of duty, should admit free of duty into their countries for sale the products of our farms and factories. This is fair trade which the commonest understanding can comprehend. Senator SHERMAN has initiated the same policy in respect to our trade relations with Canada.

In the bill just passed reciprocity of trade is provided for, and under the wise guidance and policy of the Republican party our country will increase her power and influence and her commercial and political importance among the nations of the earth, and her people maintain and magnify their position as the greatest in agriculture, in manufacture, and commerce, the trinity of American achievement.

The motion of Mr. McKINLEY that the House take a recess until five minutes to 6 o'clock was then agreed to.

So the House was declared in recess.

The recess having expired, the House was called to order at 5 o'clock and fifty-five minutes.

LEAVE TO PRINT.

Mr. ALLEN, of Michigan, by unanimous consent, was given leave to print in the RECORD some remarks on the general legislation of the present session.

WITHDRAWAL OF PAPERS.

Mr. GIFFORD, by unanimous consent, was given leave to withdraw the discharge papers from the United States Army of Jacob Mathews from the files of the House without leaving copies of the same.

Mr. FLOOD, by unanimous consent, was given leave to withdraw from the files of the House papers in the case of B. F. Bruner without leaving copies.

PRINTING ADDITIONAL COPIES OF THE TARIFF ACT.

Mr. McKINLEY. I ask unanimous consent that there be ordered printed 5,000 copies of the new tariff law, for equal distribution among the members of the House.

Mr. WHEELER, of Alabama. I hope the bill will be printed in the form that acts are printed after approval. It would be cumbersome if printed in the large type of the print as it passed the House and Senate. I presume it could be set up to-night in the small type.

Mr. HOLMAN. I hope the gentleman from Ohio [Mr. McKINLEY] will make his request for the printing of 10,000 copies.

Mr. McKINLEY. The reason I did not make the request to authorize the printing of that number, I will state to the gentleman from Indiana, is because it would cost more than the amount of \$500 that we are authorized to expend without a concurrent resolution.

Mr. HOLMAN. I hope that number will be printed.

Mr. McKINLEY. I will say that we made an order for 5,000 copies a few days ago which will take in the new law.

Mr. CUTCHEON. Does that include the tables?

Mr. McKINLEY. It does not include the tables.

Mr. BRECKINRIDGE. Would it be possible to print with the new law the act of 1883? If it could be printed in the same pamphlet I think it would be a very great advantage.

Mr. McKINLEY. I appreciate the suggestion of the gentleman from Kentucky, but I do not see how that can be done, unless some expert were obtained to prepare it.

Mr. BRECKINRIDGE. You could print them in the same pamphlet, either in parallel columns or on different pages, without printing them by sections.

Mr. McKINLEY. That would exceed the amount, too. I would be very glad to have that done if it were possible, but we thought it best to make the proposition we have. The suggestion of the gentleman was found to be impracticable.

Mr. McMILLIN. I would state that it was done in the Senate in

connection with this bill. The present bill in connection with the existing law was printed together, one being in italics and the other in different type, and I see no reason why the same can not be done now.

The SPEAKER. Is there objection?

Mr. ALLEN, of Mississippi. I move to amend by making it include the tables.

Mr. McKINLEY. That will be impracticable.

The SPEAKER. Is there objection?

Mr. ALLEN, of Mississippi. I withdraw my amendment.

The SPEAKER. The Chair hears no objection, and the request of the gentleman from Ohio is agreed to.

FINAL ADJOURNMENT.

The SPEAKER. The hour of 6 o'clock having arrived, in accordance with the resolution adopted by the two Houses of Congress, I now declare the House of Representatives of the first session of the Fifty-first Congress to be adjourned without day. [General applause.]

SENATE RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, the following Senate resolution was taken from the Speaker's table and referred as follows:

Resolved by the Senate (the House of Representatives concurring). That there be printed 10,000 extra copies of the reports of committees and discussions thereon, of the International American Conference, 2,000 of which shall be for the use of the Senate, 4,000 for the use of the House, and 4,000 for distribution by the State Department:

to the Committee on Printing.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, reports of committees were delivered to the Clerk and disposed of as follows:

Mr. BURTON, from the Committee on Claims, reported with amendment the bill of the House (H. R. 9165) to refund money wrongfully paid for duties on imports by Daniel Marcy, accompanied by a report (No. 3234)—to the Committee of the Whole House.

Mr. MAISH, from the Committee on War Claims, reported favorably the bill of the Senate (S. 1634) to indemnify the State of Pennsylvania for money expended in 1864 for militia called into the military service by the governor under the proclamation of the President of June 15, 1863, accompanied by a report (No. 3235)—to the Committee of the Whole House on the state of the Union.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported favorably the bill of the House (H. R. 5164) for the relief of the book agents of the Methodist Episcopal Church South, accompanied by a report (No. 3236)—to the Committee of the Whole House.

Mr. RUSSELL, from the Committee on Printing, to which was referred the following resolution—

Resolved, That the Committee on Printing be, and they are hereby, authorized and directed to consider a proposition to furnish to the House of Representatives a consolidated alphabetical index of the reports of committees of the House and Senate from the beginning of the First Congress, 1789, to the close of the Fiftieth Congress, 1889, being the reports for one hundred years—

reported a joint resolution (H. Res. 235) providing for a compilation of reports of committees of the two Houses of Congress from 1789 to 1889; which was read twice, and, accompanied by a report (No. 3237), referred to the Committee of the Whole House on the state of the Union.

Mr. DE LANO, from the Committee on Pensions, reported favorably the bill of the House (H. R. 4483) granting an increase of pension to Mrs. S. J. Rayner, accompanied by a report (No. 3238)—to the Committee of the Whole House.

Mr. STONE, of Kentucky, from the Committee on War Claims, to which were referred the following bills of the House:

A bill (H. R. 11511) for the relief of the estate of Jamerson W. Rice;

A bill (H. R. 11522) for the relief of T. C. Greenhill;

A bill (H. R. 9737) for the relief of Samuel Webb;

A bill (H. R. 7112) for the relief of Collin Adams, of Shelby County, Tennessee;

A bill (H. R. 11386) for the relief of the estate of Francis E. Harding;

A bill (H. R. 11039) for the relief of the estate of Benjamin Roach, deceased;

A bill (H. R. 11104) for relief of estate of Stativa Moore;

A bill (H. R. 11292) for the payment of certain property of the Independent Order of Odd Fellows, of Okalona, Miss., destroyed by the United States Army;

A bill (H. R. 11277) for the relief of the estate of Charles H. Borland;

A bill (H. R. 11357) for relief of estate of Romain Verdin;

A bill (H. R. 10367) for relief of William McGee;

A bill (H. R. 1809) for the relief of Mary J. Fouts; and

A bill (H. R. 11286) for relief of heirs of Francis Meullion;

reported in lieu thereof the following resolution:

Resolved, That the following bills (H. R. 11511, 11522, 9737, 7112, 11386, 11039, 11104, 11292, 11277, 11357, 10367, 1809, and 11286) for the relief of Jamison W. Rice, T. C. Greenhill, Samuel Webb, Collin Adams, Francis E. Harding, Benjamin Roach, ar, Stativa Moore, Independent Order Odd Fellows, C. H. Borland, Romain Verdin, William McGee, Francis Meullion, and Holmes Sells, together with all accompanying papers, be, and the same are hereby, referred to the Court of Claims

under the provisions of "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887—

which, accompanied by a report (No. 3239), was referred to the Committee of the Whole House.

Mr. STONE, of Kentucky, from the Committee on War Claims, to which were referred the following bills of the House:

A bill (H. R. 11649) for the relief of the estate of Hiram D. Connell;

A bill (H. R. 11612) for the relief of the estate of Alice Hardaway;

A bill (H. R. 7203) for the relief of William A. Franklin, executor of J. B. Franklin, deceased, of Hardeman County, Tennessee;

A bill (H. R. 11535) for the relief of Caleb R. Clement; and

A bill (H. R. 11613) for relief of estate of John K. Wilburn;

reported in lieu thereof the following resolution:

Resolved, That the following bills (H. R. 11649, 11612, 7203, 11535, and 11613) for the relief of Hiram D. Connell, Alice Hardaway, J. B. Franklin, Caleb R. Clement, and John K. Wilburn, deceased, Mesback Franklin, administrator, together with all accompanying papers, be, and the same are hereby, referred to the Court of Claims under the provisions of the acts of Congress commonly known as the "Bowman act" and "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887—

which, accompanied by a report (No. 3240), was referred to the Committee of the Whole House.

Mr. RUSSELL, from the Committee on Printing, reported favorably the joint resolution of the House (H. Res. 208) to furnish the CONGRESSIONAL RECORD to each free public library having 1,000 volumes or more, and to each university and college within the United States empowered by law to confer degrees, accompanied by a report (No. 3241)—to the Committee of the Whole House on the state of the Union.

BILLS AND JOINT RESOLUTIONS.

Under clause 3 of Rule XXII, a bill of the following title was introduced, read twice, and referred as follows:

By Mr. MORSE: A bill (H. R. 12200) to increase the duty on binding-twine composed of flax, hemp, manila, jute, or sisal-grass to 1½ cents per pound—to the Committee on Ways and Means.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. CUMMINGS: A bill (H. R. 12201) to remove the charge of desertion from Thomas Devine—to the Committee on Military Affairs.

Also, a bill (H. R. 12202) to place on the pension-roll the name of Mrs. Caroline E. Duryee—to the Committee on Invalid Pensions.

By Mr. RICHARDSON: A bill (H. R. 12203) for the relief of William Whittaker, of Warren County, Mississippi—to the Committee on War Claims.

Also, a bill (H. R. 12204) for the relief of Barbara Bonner, of Adams County, Mississippi—to the Committee on War Claims.

Also, a bill (H. R. 12205) for the relief of John R. Caldwell, of Jackson County, Alabama—to the Committee on War Claims.

Also, a bill (H. R. 12206) for the relief of the estate of Martha A. Jones, deceased, late of Fayette County, Tennessee—to the Committee on War Claims.

By Mr. BROOKSHIRE: A bill (H. R. 12207) granting a pension to Amanda E. Poe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12208) granting a pension to Alsey E. Poits—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. CARUTH: Petition of the Commercial Club of the city of Louisville, Ky., favoring the bill providing for mailing boxes at railroad stations—to the Committee on the Post-Office and Post-Roads.

By Mr. CUMMINGS: Resolutions of the eight-hour meeting at Cooper Institute, New York City—to the Committee on Labor.

By Mr. MUDD: Petition of Benjamin G. Harris, of St. Mary's County, Maryland, for compensation for the slaves emancipated in Maryland—to the Committee on Appropriations.

By Mr. POST: Papers in the case of T. C. Thomas—to the Committee on Military Affairs.

By Mr. PUGSLEY: Petition of the members of the religious Society of Friends, of Center Quarterly Meeting, held August 2, 1890, at Center, Clinton County, Ohio, representing 726 adult members, praying for the passage of the bill providing for a commission on the subject of the social vice—to the Committee on Education.

Also, petition of the Woman's Christian Temperance Union of Clinton County, Ohio, action taken at the quarterly meeting held August 19, 1890, representing 220 members, praying for the passage of the same measure—to the Committee on Education.

Also, petition of 30 citizens of Clinton County, Ohio, praying for the passage of the same measure—to the Committee on Education.

By Mr. VAUX: Petition of Paul L. Stougl, for financial aid to ascertain the measurement of the true magnetic belt—to the Committee on Appropriations.

